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Secretary of State

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
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Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
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June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Bicycle Path Grant Program

2) Code Citation: 17 Ill. Adm. Code 3040

3) Section Numbers: Proposed Action:

3040.10 Amendments

3040.40 Amendments

3040.50 Amendments

3040.70 Amendments

3040.80 Amendments

Appendix A Amendments

Appendix B Repealed

Appendix C Repealed

Appendix D Repealed

Appendix E Repealed

Appendix F Repealed

Appendix G Repealed

4) Statutory Authority: Implementing and authorized by Section 63a36 of the Civil Administrative Code of Illinois [20 ILCS 805/63a36] and Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119].

5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to this Part to reflect revised procedures for administration of the program.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

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NOTICE OF PROPOSED AMENDMENT(S)

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses, small municipalities or not for profit corporations. This is a grant program and participation is voluntary.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER 9: GRANTS

PART 3040

ILLINOIS BICYCLE PATH GRANT PROGRAM

Section	Program Objectives
3040.10	Eligibility Requirements
3040.20	Assistance Formula
3040.30	General Procedures for Grant Applications and Awards
3040.40	Eligible Project Costs
3040.50	Project Evaluation Priorities
3040.60	Program Compliance Requirements
3040.70	Program Information/Contact
3040.80	Project Evaluation Criteria
APPENDIX A	Application Form (Repealed)
APPENDIX B	Acquisition Data (Repealed)
APPENDIX C	Development Data (Repealed)
APPENDIX D	Narrative Statement and Environmental Evaluation (Repealed)
APPENDIX E	Certification Statement (Repealed)
APPENDIX F	Application for Federal/State Assistance (Repealed)
APPENDIX G	

AUTHORITY: Implementing and authorized by Section 63a36 of the Civil Administrative Code of Illinois [20 ILCS 805/63a36] and Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119].

SOURCE: Adopted at 14 Ill. Reg. 6106, effective April 17, 1990; amended at 15 Ill. Reg. 4132, effective March 4, 1991; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. _____, effective _____.

Section 3040.10 Program Objectives

The purpose of the program is to provide financial assistance to eligible local units of government to assist them in the acquisition, construction, and rehabilitation of public off-road, non-motorized bicycle paths and directly related facilities (such as signs, drinking water, rest rooms) in Illinois. Bicycle routes/lanes sharing existing roadway surfaces are not eligible for funding assistance under this program.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 3040.40 General Procedures for Grant Applications and Awards

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- a) Grant applications for funding assistance under this program must be submitted in accordance with schedules to be publicly announced annually by the Department of Natural Resources. Necessary application forms and instructions are available through the Department. Awarding of grants will be on a competitive basis and will be made under the authority of the Director of the Department of Natural Resources.
- b) Project grant applications shall consist of the following basic components, at a minimum:
- 1) local project sponsor's name, address and telephone number;
 - 2) existing supply of public bicycle trails currently existing within jurisdiction of the project sponsor;
 - 3) an itemized proposed project cost estimate;
 - 4) project narrative statement describing the project concept, location, need for objectives of the project, anticipated benefits, proposed trail usages and method of financing or accomplishing the project;
 - 5) project location map, site plan, plat map and proposed development plan;
 - 6) project environmental evaluation;
 - 7) proof of land ownership or usage rights for development project or commitment of title insurance for property planned for acquisition; and
 - 8) a signed document by the project sponsor verifying the applicant has the resources to initially finance and properly manage the project area and will comply with program regulations and indemnify the Department from any liability relative to the project.
- 1) Acquisition-Project
- A) completed application forms;
 - B) project narrative statement describing the project concept, location, need for objectives of the project, anticipated benefits and method of financing or accomplishing the project;
 - C) project location map and plat map of area;
 - D) future site development plan; and
 - E) environmental evaluation.
- 2) Development-Project
- A) completed application forms;
 - B) itemized development cost estimates for each project component;
 - C) project narrative statement describing the project concept, location, need for objectives of the project, anticipated benefits and methods of financing or accomplishing the project;
 - D) project location map and plat map;
 - E) site development plan;
 - F) environmental/archaeological evaluation (new construction

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NOTICE OF PROPOSED AMENDMENT (S)

only) and

- 6) ~~proof-of-hand-ownership-or-usage-rights-~~
 c) A ~~Program~~ information ~~project-application~~ packet may be obtained from the Division of Grant Administration ~~Technical--Services--Grants~~ Section, Illinois Department of Natural Resources, 524 S. Second Street, Springfield, IL 62701-1787. Telephone 217/782-7481

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 3040.50 Eligible Project Costs

- a) Grant assistance may be obtained for the following items:

1) Land acquisition costs (fee simple title, permanent easement or long-term lease) for bicycle paths, including associated appraisal costs approved by the Department. For acquisition of less than fee simple title or permanent easement, such as a lease agreement, the agreement must cover a minimum time period of 25 years, ~~unless otherwise approved by the Department~~. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements to assure the land lease is not rescinded prior to the terms of the amortization schedule in the project agreement being fulfilled. For example: statutory limitations prevent longer than five year lease, but lease is automatically renewable.

2) Bicycle path development costs including, but not necessarily limited to, site clearing and grading, surfacing, drainage, bridging, access control devices, fencing, signs and associated support facilities such as parking areas, access roads, shelters, restrooms, safety lighting, potable water supply and other directly related bicycling support facilities. Architectural/engineering services deemed necessary for the proper design and construction of project bicycle paths are also considered eligible development costs.

- b) Project costs for which reimbursement is sought cannot be incurred by the project applicant until after grant approval notification. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account/agent for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into prior to Department approval. Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials

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are delivered.

- c) No grant awards shall be awarded for the acquisition or development of land which will not be available for public bicycling use.

Section 3040.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois Bicycle Path Grant Program must be open to the general public for bicycle use. Property acquired or developed with program assistance may not be converted to a use which would deny bicycle use as provided by terms of the Project Agreement without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property equal in fair market value and comparable in bicycling usefulness, quality and location.
- b) Land acquired with funding assistance from the Illinois Bicycle Path Grant Program shall be operated and maintained in perpetuity for public bicycle path and recreation use.

- c) For projects receiving development grant assistance only, terms of this Part shall no longer apply after the time period specified below relating to the total amount of grant funds expended on the project:

	Time Period After Final Project Billing
Total Grant Award	
0 - \$50,000	5 years
for every \$10,000 increment over \$50,000	add 1 year

- d) For projects receiving acquisition assistance, an appraisal two appraisals must be provided by the sponsoring agency and submitted to the Department for review and certification. The appraisal appraisals must be completed to Departmental specifications. Title to any property for which grant reimbursement is sought cannot be taken by the sponsoring agency before Department approval of Certified Fair Market Value for the property is received.

- e) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or a permanent easement to the property being improved or an approved lease arrangement of at least 25 years, unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements (see Section 3040.50(a)(1)). The sponsor must also adhere to applicable state and local procurement requirements and make available to the Department all working plans, specifications,

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contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer (1111--Rev-Stat--1987--eh--1117--par--65867).

f) The local sponsoring agency is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.

g) Upon project completion, the project sponsor must submit a certified project billing request form (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

1) ACQUISITION PROJECT: Proof of fair market value offer to seller for the property, copy of deed copy of the signed statement of Just Compensation offer to purchase form Warranty Deed (Judgment Order in case of condemnation) showing ownership transferred to the local project sponsor for property, and copies of cancelled check(s) showing proof of payment to seller.

2) DEVELOPMENT PROJECTS: Copy of Construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy copies of cancelled checks showing proof of payment.

h) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of 5 three years after final reimbursement payment is made by the Department.

i) The sponsoring agency must permanently post a Bicycle Path Grant Program acknowledgement sign at the project site where grant assistance is involved. The necessary required sign will be provided or specifications for its construction will be furnished to the local project sponsor, if requested by the Department upon grantee's request.

j) The sponsoring agency shall insert, as an integral part of any contract with the approved project bidder, the following provisions:

1) That the contractor must abide by and comply with all applicable local and State laws relating to fair employment practices and prohibiting unlawful discrimination in employment contracts involving public funds, the construction or development of public buildings or facilities.

2) That the contractor must comply with and be bound by any applicable local and State laws in any manner pertaining or relating to wages and claims of laborers, mechanics and other workers, agents or servants in any manner employed in connection with contracts involving public funds or the development or construction of public works, buildings or facilities.

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3) That the contractor must abide by and comply with all applicable local and State laws relating or pertaining to the development and/or construction of public works, buildings, or facilities, including but not limited to any and all applicable workmen's compensation acts or laws.

4) That the contractor shall provide and furnish the sponsoring agency and the Department, if requested, good and sufficient performance bonds, adequate surety or securities with applicable penalty or loss clauses concerning or relating to the construction of the proposed facilities and any losses, costs or damages arising out of or by virtue of said construction by the contractor of the specified bicycle facilities and which insure benefits and protect the sponsoring agency and the Department.

5) That the contractor shall personally and individually agree and covenant and shall furnish and provide sufficient evidence of insurance to indemnify, protect, defend at its own cost, and hold harmless the sponsoring agency and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property arising out of or through under or by virtue of the construction and development of the specified bicycle path facilities.

6) Projects assisted with Illinois Bicycle Path Grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.

7) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.

8) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of Program-assisted bicycle path facilities.

9) In connection with and prior to the construction, and thereafter the subsequent operation and maintenance of Program-assisted bicycle facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent as the case may be required by law. Failure to obtain any required permit(s) may jeopardize approved grant funding from but not limited to the agencies listed below. In addition, the sponsoring agency further agrees to comply with any applicable provisions of the Campground Bicensing Recreational Area Bicensing Act (111 Rev. Stat. 1987, ch. 111-1/2, par. 161 et seq.) administered by the Illinois Department of Public Health.

10) U.S. Army Corps of Engineers

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- 2) ~~Illinois-Department-of-Transportation;~~
 3) ~~Illinois-Environmental-Protection-Agency;~~
 4) ~~Illinois-State-Historic-Preservation-Agency;-and~~
 5) ~~Local-Building-or-zoning-agencies-or-boards;-where-applicable-~~
 n) ~~† The sponsoring agency must comply with and abide by the following~~
 operation and maintenance provisions:

- 1) All bicycle facilities financed with funds from this grant program shall be continuously operated and maintained by the sponsoring agency at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.
- 2) The sponsoring agency shall satisfactorily maintain program-assisted bicycle path facilities so as to promote the safe and enjoyable usage of the facility by the public.
- 3) All bicycle path facilities financed with funds from this grant program shall be open to the public for use and enjoyment without regard to race, color, disability, creed or national origin. No lessee or licensee of an area under a lease or license providing for a public or quasi-public use and no concessionaire of a lessee or licensee providing a service to the public, including facilities and accommodations, shall unlawfully discriminate against any person or persons because of race, color, disability, creed, or national origin in the conduct of its operation under the lease, license or concession agreement.
- 4) The charging of fees for general public use of bicycle path facilities financed with funds from this grant program is strongly discouraged. However, if it is deemed necessary by the sponsoring agency that fees must be levied for use of these facilities, the sponsoring agency shall:
 - A) receive prior approval from the Department for scheduled fees to be charged;
 - B) clearly document that existing agency operation and maintenance budget is not sufficient to cover the added cost of properly operating and maintaining the project facility; and
 - C) deposit all fees in a separate account to be used for maintenance of and improvement to the Program-assisted facility only.
- 5) The Department shall have access to Program-assisted facilities at all times for inspection purposes to ensure project sponsor's continued compliance with this Part.
- 6) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct bicycle rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency. Any and all concession revenue in excess of the costs of operation and maintenance of Program-assisted bicycle facilities shall be used for the improvement of said facilities or similar

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- public bicycling facilities in nearby areas.
 7) All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the bicycle path facility for the benefit of the general public shall be submitted to the Department, upon request, for its approval prior to said sub-lease or license being entered into or granted by the sponsoring agency.

o)† Conflict of Interests

- 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved bicycle path grant project shall have any financial or other personal interest in any such contract or subcontract.
- 2) No person performing services for the local political subdivision in connection with an approved bicycle path grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved bicycle path grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved bicycle path grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

- p) The Project Sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

- q) Pursuant to 775 ILCS 5/2-105(A)(4), the Project Sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:

- 1) the illegality of sexual harassment;
- 2) the definition of sexual harassment under State law;
- 3) a description of sexual harassment utilizing examples;
- 4) the Contractor's internal complaint process including penalties;
- 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
- 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policy shall be provided to the Department of Human Rights upon request.

r)† Program Violations and Project Termination

- 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or

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amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

- 2) Failure by the local sponsoring agency to comply with any of the above cited Program terms shall be cause for the suspension of all grant assistance obligations thereunder, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

- 3) Band-acquired-with-funding-assistance-from-the-Illinois-Bicycle Path--Grant--Program--shall-be-operated--and-maintained--in perpetuity--for-public-bicycle-path-and-recreation-user
- 4) For-development-projects-only--terms-of-the-contractual-agreement between-the-local-agency-and-the-Department-under-the-Illinois Bicycle-Path-Grant-Program-shall-no-longer-apply-after-the-time period-established-below-relating-to-the-total-amount-of--grant funds-expended-to-aid-the-facility:

TOTAL GRANT-AWARD

TIME PERIOD-AFTER
FINAL PROJECT-BIDDING

0---\$50,000

5-years

for-every-\$10,000

inurement-over-\$50,000

add-1-year

- 5) Conversion-of-property-acquired-or-developed-with-assistance-from the-Illinois-Bicycle-Path-Grant-Program-from-public-recreation and-bicycle-path-use-shall-result-in-the-local-sponsoring-agency being-held-litiable-for-replacing-the-converted-property-with comparable-facilities-as-deemed-acceptable-by-the-Department-(see subsection-fa)).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 3040.80 Program Information/Contact

For information on the Illinois Bicycle Path Grant Program, contact:

Illinois Department of Natural Resources
Division of Grant Administration Technical-Services-Grants-Section
Lincoln Tower Plaza
524 South Second Street
Springfield, IL 62701-1787
Telephone: 217/782-7481

(Source: Amended at 22 Ill. RReg. _____, effective _____)

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Section 3040.APPENDIX A Project Evaluation Criteria

NEED - 35%

Population Served (proximity to high population areas)

Project of National, State, Regional or Local Significance

General - first trail in service area

Major expansion to existing trail system or significant additional trail in service area

Vital link between existing major trail systems

Addresses major safety issue

Identified in Trail Plan - State, Regional or Local Trail Plan (consideration also given to unique situations having public support, but no plan)

PHYSICAL CHARACTERISTICS OF TRAIL - 50% 45%

Overall trail length as well as specific project trail length

Environmental factors/trail attributes
Scenic quality

Connect with other recreational areas, schools

Unique cultural/natural resources along trail

Adjacent land uses compatible

Development problems associated with trail (negative)

Safety hazards (negative)

Multiple use (equestrian, snowmobiling) bonus

User amenities available (restrooms, water, etc.)

Continuity of trail ROW

Access to Trail (convenient - remote)

Other trail user amenities/opportunities (picnic, camping,

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shopping, etc.)

DEVELOPMENT PLAN - 2% 3%

ABILITY TO MAINTAIN - 3% 5%

OTHER CONSIDERATIONS/FACTORS - 10% 12%

(Land donation, serves minority population, inter-governmental cooperation ~~governmental~~ coop, safety concerns, economic/tourism benefits)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

Section 3040.APPENDIX B Application Form (Repealed)

I-----GENERAL INFORMATION

A- Project-Sponsor: -----
(applicant)

B- Project-Title: -----

C- Project-Location: -----
(county) (township)

D- Applicant's-Name, Address-and-Telephone-Number: -----

E- Applicant's-Designated-Contact-Person: Name, Title, Address-and-Telephone-Number (must be available 9-a.m. to 5-p.m., Monday-Friday): -----

F- Brief-and-Concise-Description-of-Proposed-Project (be sure to specify # of miles of trail): -----

G- Type-of-Project: -----
() Acquisition ----- () Development -----
involving
land
donation

H- Estimated-Project-Costs: -----
Acquisition-Costs, including appraisals
(complete & attach BP/BQG-2)
Relocation-Costs, if applicable
(maximum \$15,000) \$-----

Development-Costs
(complete & attach BP/BQG-3) \$-----
TOTAL-PROJECT-COSTS \$-----

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GRANT-FUNDS-REQUESTED*

\$-----
(*up to 50% maximum)

I- Source(s) of Local-Matching-Funds: -----
() General-Funds
() Non-Referendum-Bonds ----- () Referendum-Bonds
() Donations ----- (specify): -----
() Other-Federal-or-State-Funds (specify below)
() Other (specify): -----

J- Population-within-Applicant's-Jurisdiction: -----

K- Illinois-Legislative-(Senate)-District: #-----
Illinois-Representative-District: #-----

L- Applicant's-Federal-Employer-Identification-Number
(FEIN): -----

M- List any other State or Federal Grant Programs/Funds involved in the proposed project, previous or anticipated (list applicable project numbers and status): -----

N- Amount of other long distance trails located within applicant's jurisdiction boundaries or which directly link or have potential to link with the proposed project trail. (see also Attachment #1 - Project Maps) -----
miles

O- Will the project trail or ROW also be available for equestrian use? ----- () yes ----- () no
Snowmobile use? ----- () yes ----- () no
ATV use? ----- () yes ----- () no

P- Provide a brief Narrative Statement and Environmental Evaluation (PB/BQG-4) of the project: -----

Q- Provide copy of local, regional or State Trail/Recreation Plan and/or excerpt(s) or reference(s) from such plan(s) which justifies/identifies the proposed project as a priority: -----

H- PROJECT MAPS (no larger than 11"x17")
Attachment #1 - Attach a county, township or city map

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showing-the-location-and-extent-of--the
project--trail---On-the-same-map--also
indicate-the-location-of-or-link-with
other-bicycle-trails-in-the--immediate
area.

- Attachment #2 - Attach-a-detailed-Plot-Map-of-the
project--trail--ROW/property-indicating
dimensions and--existing--location--of
utility/road easements--etc--
Attachment #3 - Attach-a-Site-Development-Plan-for
the-project-trail--

III--COMPIANED-CERTIFICATION-STATEMENT-AND-REQUIRED-SIGN-OPP-STATEMENTS

- A- Complete-and-attach--the--Project--Certification--Statement--(BP/BQG-5
form)
- B- Complete-Standard-Form-424-(Application-for-Federal/State-Assistance--
parts--27--57--67--7--and--11-10)--and--submit-copy-of-form-along-with
Narrative-Statement-(item-P)-and-project-maps-to:

1- State-Historic-Preservation-Agency
214-Sixth-Street
Springfield-IL-62701
Telephone--217/795-4993

2- State-and-Areawide-Clearinghouse
Illinois-State-Clearinghouse
Office-of-the-Governor
Room-202-State-Capitol
Springfield-IL-62706
Telephone--217/792-1671

Areawide-Clearinghouses

Area #1: McHenry-Baker-Kane-BuPeger--Cook--and
Will-Counties

Northeastern-Illinois-Planning-Commission
400-West-Madison
Chicago-IL-60606
Telephone--312/454-0400

Area #2: Rock-Island-Henry-and-Mercer-Counties
Bi-State-Metropolitan-Planning-Commission
1504-Third-Avenue
Rock-Island-IL-61201

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Telephone--309-793-6300

Area #3: Bureau-Stark-Marshall-and-Putnam-Counties

North-Central-Illinois-Council
of-Governments
P.O.-Box-206
Princeton-IL-61356
Telephone--815/975-3396

Area #4: Kankakee-County

Kankakee-County-Regional-Planning
Commission
470-East-Merchant
Kankakee-IL-60901
Telephone--815/937-2940

Area #5: Henderson-Warren-Hancock-and
McDonough-Counties

Western-Illinois-Regional-Council
223-South-Randolph
Macomb-IL-61455
Telephone--309/937-3941

Area #6: Peoria-Woodford-and-Warewell-Counties

Tri-County-Regional-Planning-Commission
P.O.-Box-3200
East-Peoria-IL-61611
Telephone--309/694-4391

Area #7: McLean-County

McLean-County-Regional-Planning-Commission
207-West-Jefferson-Street-Suite-201
Bloomington-IL-61701
Telephone--309/920-4331

Area #8: Champaign-County

Champaign-County-Regional-Planning
Commission
1303-North-Cunningham
Urbana-IL-61001
Telephone--217/320-3313

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Area-#9:

Adams-Schuyler-Brown-and-Pike
Counties

Two-Rivers-Regional-Council-of-Public
Officials

Franklin-Square
Fourth-and-State-Streets
Quincy-IB-62301
Telephone--217/224-0171

Area-#10:

Sangamon-County

Springfield-Sangamon-County-Regional
Planning-Commission
703-Myers-Building
41-West-Old-State-Capitol-Plaza
Springfield-IB-62701
Telephone--217/525-2132

Area-#11:

Macon-County

Macon-County-Regional-Planning-Commission
253-East-Wood-Street
Becatur-IB-62523
Telephone--217/423-6342

Area-#12:

Cathann--Greene---Jersey--Macoupin
Montgomery-and-Christian-Counties

West-Central-Illinois-Valley-Regional
Planning-Commission
P.O.-Box-307
116-South-Bloom
Carlinville-IB-62626
Telephone--217/054-9642

Area-#13:

Madison-Monroe-and-St.-Clair-Counties

East-West-Gateway-Coordinating
Council
911-Washington-Avenue
St.-Louis-Missouri--63101
Telephone--314/421-4220

Area-#14:

Bond-Clinton-and-Washington-Counties
St.-Louis-Metropolitan-and
Regional-Planning-Commission

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203-West-Main-Street
Cottinsville-IB-62234
Telephone--610/344-4250

Area-#15:

Payette-Birmingham-and-Martin-Counties

South-Central-Illinois-Regional
Planning-and-Development-Commission
Marion-County-Public-Service-Building
200-East-Schwartz
Salem-IB-62001
Telephone--610/540-4234

Area-#16:

Perry-Jefferson-Franklin-Jackson-and
Williamson-Counties

Greater-Egypt-Regional-Planning-and
Development-Commission
P.O.-Box-3160
Carbondale-IB-62901
Telephone--610/549-3306

Area-#17:

Wayne-Edwards-and-White-Counties

Greater-Wabash-Regional-Planning
Commission
P.O.-Box-153
Albion-IB-62006
Telephone--610-096-5372

Area-#18:

Hamilton-Saline-Gallatin-Pope-and
Hardin-Counties

Southern-Illinois-Regional-Planning
and-Development-Commission
317-East-Poplar-Street-Suite-B
Harrisburg-IB-62946
Telephone--610/252-7463

Area-#19:

Union-Johnson-Alexander-Pulaski-and
Massac-Counties

Southern-Pave-Regional-Planning-District
and-Development-Commission
202-South-Street
Anna-IB-62906
Telephone-610/033-2106

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Section 3040.APPENDIX F Certification Statement (Repealed)

Sponsor:-----
Project Title:-----

As the official duly designated to represent the----- (applicant),
I do hereby certify that the information presented in this grant application is
true and correct. I do further certify that the project, if approved for
financial assistance through the State of Illinois Bicycle Path Grant Program
will be completed in accordance with all applicable local and State laws and
that the----- (applicant) has the financial resources
to initially fund 100% of the proposed project costs within the timeframe
imposed by the Department of Natural Resources for project execution prior to
receiving grant reimbursement. It is understood that proposed acquisition
projects (excluding those involving eminent domain) must be completed within
nine (9) months and proposed development projects completed within 18 months
following project approval by the completed within 18 months following project
approval by the Department of Natural Resources. Failure to comply with the
specified project execution timeframe could be cause for project termination.
The March 4, 1991 (applicant) does hereby further certify that it will
indemnify, protect and hold harmless the State of Illinois, Department of
Natural Resources and its representatives from any and all liabilities, costs,
damages or claims arising as a direct or indirect result of the construction,
operation or maintenance of the above referenced project and that the proposed
facility will be operated and maintained in an attractive and safe manner and
open and available to the public without regard to race, color, sex, national
origin, age or disability.

This Certification Statement was duly considered and acted upon and adopted by
the----- (applicant) at a legal meeting held on the
----- day of -----, 19-----.

Name (printed/typed)

Attested:-----

Signature

Title

(Source: Repealed at 22 Ill. Reg. _____, effective
_____))

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Section 3040.APPENDIX G Application For Federal/State Assistance (Repealed)

1- Type-of-Submission: Application { } Construction
{ } Non-Construction
Preapplication { } Construction
{ } Non-Construction

2- Date Submitted:
Applicant Identifier:

3- Date Received by State:
State Application Identifier:

4- Date Received by Federal Agency:
Federal Identifier:

5- Applicant Information
Legal Name:
Address: (give city, county, state and zip code)
Organizational Unit:
Name and telephone number of the person to be contacted on
matters involving this application (give area code):

6- Employer Identification Number (EIN):-----

7- Type of Applicant: (enter appropriate letter in box { })

A--State
B--County
C--Municipal
D--Township
E--Interstate
F--Intermunicipal
G--Special District
H--Independent School District
I--State Controlled
Institution of Higher
Learning
J--Private University
K--Indian Tribe
L--Individual
M--Profit Organization
N--Other (Specify)----

8- Type of Application: { } New { } Continuation { } Revision

If Revision, enter appropriate letter(s) in box(es): { } { }

A--Increase Award
B--Increase Duration
C--Other (specify):-----
B--Decrease Award
B--Decrease Duration

9- Name of Federal Agency:

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits and General Provisions

- 2) Code Citation: 35 Ill. Adm. Code 201

- 3) Section Numbers: Proposed Action:

201.152	Amended
201.153	Repealed
201.154	Repealed
201.155	Repealed
201.157	Amended
201.158	Amended
201.159	Amended
201.160	Amended
201.162	Amended
201.163	Amended
201.164	Amended
201.169	Added
201.180	Repealed
201.181	Repealed
201.187	Repealed
201.207	Amended

- 4) Statutory Authority: 415 ILCS 5/10, 27, and 39 (see P.A. 90-367, effective August 10, 1997).

- 5) A Complete Description of the Subjects and Issues Involved: A more detailed description of this regulation may be found in the Board's opinion and order of November 20, 1997, in R98-13. This proposal was filed with the Board by the Illinois Environmental Protection Agency (Agency) on October 10, 1997, to implement P.A. 90-367, effective August 10, 1997. The amendments allow for Agency issuance of perpetual permits for sources that emit 25 tons or more per year and are not subject to Section 39.5 of the Act [415 ILCS 5/39.5] or required to obtain a federally enforceable State operating permit. 35 Ill. Adm. Code 201.Subpart E is deleted in its entirety. The proposal also includes several "clean up" amendments to delete duplicative Sections within 35 Ill. Adm. Code 201.Subpart D.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Policy Objectives: This rulemaking creates no State mandate.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Public hearings will be held on the following dates in the noted locations:

FIRST HEARING: Monday, December 8, 1997, 11:00 a.m.

James R. Thompson Center
Room 9-040
100 West Randolph
Chicago, Illinois

SECOND HEARING: Monday, January 12, 1998, 10:00 a.m.

Illinois Police Training Board
600 S. Second Street
Third Floor Conference Room
Springfield, Illinois

Written comments concerning this rulemaking should reference R98-13 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Questions regarding this proposal may be directed to Charles A. King at (312) 814-6926.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business that emits 25 tons or more per year and is not subject to Section 39.5 of the Act [415 ILCS 5/39.5] or required to obtain a federally enforceable State operating permit. The proposed amendments would allow for one-time permitting, rather than permit renewals every five years. These amendments are expected to greatly reduce the administrative duties of both the Agency and the owners and operators of stationary sources.

B) Reporting, bookkeeping, or other procedures required for compliance: Some affected parties may be required to complete permit applications.

C) Types of professional skills necessary for compliance: Engineering and legal services may be needed in making permit applications.

- 13) Regulatory Agenda on which this rulemaking was summarized: This proposal was not included on either of the 2 most recent regulatory agendas.

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because: The legislation requiring these amendments was not adopted until August 10, 1997, after the most recent (July 1997) regulatory agenda was issued. The short time frame for completion (June 30, 1998) requires that the proposal be submitted prior to the publication of the January 1998 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201

PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	Other Definitions
201.101	Definitions
201.102	Abbreviations and Units
201.103	Incorporations by Reference
201.104	

SUBPART B: GENERAL PROVISIONS

Section	Existence of Permit No Defense
201.121	Proof of Emissions
201.122	Burden of Persuasion Regarding Exceptions
201.123	Annual Report
201.124	Severability
201.125	Repealer
201.126	

SUBPART C: PROHIBITIONS

Section	Prohibition of Air Pollution
201.141	Construction Permit Required
201.142	Operating Permits for New Sources
201.143	Operating Permits for Existing Sources
201.144	Exemptions from State Permit Requirements
201.146	Former Permits
201.147	Operation Without Compliance Program and Project Completion Schedule
201.148	Operation During Malfunction, Breakdown or Startups
201.149	Circumvention
201.150	Design of Effluent Exhaust Systems
201.151	

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	Contents of Application for Construction Permit
201.152	Incomplete Applications <u>(Repealed)</u>
201.153	Signatures <u>(Repealed)</u>
201.154	Standards for Issuance <u>(Repealed)</u>
201.155	Conditions
201.156	

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201.157 Contents of Application for Operating Permit
 201.158 Incomplete Applications
 201.159 Signatures
 201.160 Standards for Issuance
 201.161 Conditions
 201.162 Duration
 201.163 Joint Construction and Operating Permits
 201.164 Design Criteria
 201.165 Hearings
 201.166 Revocation
 201.167 Revisions to Permits
 201.168 Appeals from Conditions
 201.169 Special Provisions for Certain Operating Permits

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
 PERMITS FOR CERTAIN SMALLER SOURCES

Section
 201.180 Applicability (Repealed)
 201.181 Expiration and Renewal (Repealed)
 201.187 Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section
 201.207 Applicability
 201.208 Supplemental Information
 201.209 Emissions of Hazardous Air Pollutants
 201.210 Categories of Insignificant Activities or Emission Levels
 201.211 Application for Classification as an Insignificant Activity
 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (RESERVED)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION
 SCHEDULES

Section
 201.241 Contents of Compliance Program
 201.242 Contents of Project Completion Schedule
 201.243 Standards for Approval
 201.244 Revisions
 201.245 Effects of Approval
 201.246 Records and Reports
 201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

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Section
 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
 201.263 Records and Reports
 201.264 Continued Operation or Startup Prior to Granting of Operating Permit
 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
 201.281 Permit Monitoring Equipment Requirements
 201.282 Testing
 201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
 201.301 Records
 201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
 201.401 Continuous Monitoring Requirements
 201.402 Alternative Monitoring
 201.403 Exempt Sources
 201.404 Monitoring System Malfunction
 201.405 Excess Emission Reporting
 201.406 Data Reduction
 201.407 Retention of Information
 201.408 Compliance Schedules

APPENDIX A Rule into Section Table
 APPENDIX B Section into Rule Table
 APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989;

POLLUTION CONTROL BOARD

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amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. _____, effective _____.

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.152 Contents of Application for Construction Permit

An application for a construction permit shall contain, as a minimum, the following data and information: The nature of the emission unit source and air pollution control equipment, including the expected life and deterioration rate; information concerning processes to which the emission unit source or air pollution control equipment is related; the quantities and types or raw materials to be used in the emission source or air pollution control equipment; the nature, specific points of emission sources and quantities of uncontrolled emissions at the source that facility which includes the emission unit source or air pollution control equipment; the type, size, efficiency and specifications (including engineering drawings, plans and specifications certified to by a registered Illinois professional engineer) of the proposed emission unit source or air pollution control equipment; maps, statistics and other data reasonably sufficient to describe the location of the emission unit source or air pollution control equipment. The Agency may waive the submission by the applicant of such engineering drawings, plans, specifications or such other portions of the above data or information as it shall deem inappropriate or unnecessary to the construction permit application; provided that any such waiver by the Agency shall be given in writing to the applicant. The Agency may adopt procedures that which require data and information in addition to and in amplification of the matters specified in the first sentence of this Section paragraph, that which are reasonably designed to determine compliance with this Chapter and ambient air quality standards, or that and which set forth the format by which all data and information shall be submitted.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 201.153 Incomplete Applications (Repealed)

An application shall not be deemed to be filed until the applicant has submitted all information and completed all application forms required by Section 201.152 and procedures adopted and effective pursuant thereto. Provided, however, that if the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and of the reasons the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing.

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The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for purposes of review.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 201.154 Signatures (Repealed)

All applications and supplements thereto shall be signed by the owner and operator of the emission source or air pollution control equipment or their authorized agent, and shall be accompanied by evidence of authority to sign the application.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 201.155 Standards for Issuance (Repealed)

No construction permit shall be granted unless the applicant submits proof to the Agency that:

- a) The emission source or air pollution control equipment will be constructed or modified to operate so as not to cause a violation of the Act or of this Chapter; and
- b) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 201.157 Contents of Application for Operating Permit

An application for an operating permit shall contain, as a minimum, the data and information specified in Section 201.152. Each application shall list all individual emission units and air pollution equipment sources for which a permit is sought. Any applicant may seek to obtain from the Agency a permit for each emission unit source, or such emission units sources as are similar in design or principle of operation or function, or for all emission units sources encompassed in an identifiable operating unit, unless subject to the provisions of Section 201.169 of this Subpart or required to obtain an operating permit with federal enforceable conditions pursuant to Section 39.5 of the Act. To the extent that the above specified data and information has previously been submitted to the Agency pursuant to this Subpart, the data and information need not be resubmitted; provided, however, that the applicant must certify that the data and information previously submitted remains true, correct and current. An application for an operating permit shall contain a description of the startup procedure for each emission unit source, the duration and frequency of startups, the types and quantities of emissions during startup, and the

POLLUTION CONTROL BOARD

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applicant's efforts to minimize any such startup emissions, duration of individual startups, and frequency of startups. If applicable, pursuant to the requirements of Subpart I of this Part, an application for a permit shall contain a description of the startup procedure for each emission unit, the duration and frequency of startups and quantities of emissions during startup in excess of emissions during operations, and the applicant's efforts to minimize any such startup emissions. The Agency may adopt procedures that which require data and information in addition to and in amplification of the matters specified in the first sentence of this Section ~~section~~, that which are reasonably designed to determine compliance with this Chapter, and ambient air quality standards, and that which set forth the format by which all data and information shall be submitted.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 201.158 Incomplete Applications

An application shall not be deemed to be filed until the applicant has submitted all information and completed application forms required by Section 201.152 or 201.157 of this Subpart, whichever is applicable, and procedures adopted and effective pursuant hereto. Provided, however, that if the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and of the reasons the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for purposes of review, pursuant to Section 40 of the Act [415 ILCS 5/40].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 201.159 Signatures

All applications and supplements thereto shall be signed by the owner and operator of the ~~emission source or air pollution control equipment~~, or their authorized agent, and shall be accompanied by evidence of authority to sign the application.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 201.160 Standards for Issuance

a) No construction permit shall be granted unless the applicant submits proof to the Agency that:

- 1) The emission unit or air pollution control equipment will be constructed or modified to operate so as not to cause a violation

POLLUTION CONTROL BOARD

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of the Act or of this Chapter; and
2) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H of this Part.

b) No operating permit shall be granted unless the applicant submits proof to the Agency that:

- 1) ~~a~~ The emission unit ~~source~~ or air pollution control equipment has been constructed or modified to operate so as not to cause a violation of the Act or of this Chapter, or has been granted a variance therefrom by the Board and is in full compliance with such variance; and

- 2) ~~b~~ The emission unit ~~source~~ or air pollution control equipment has been constructed or modified in accordance with all conditions in the construction permit, where applicable; and

- 3) ~~c~~ The emission unit ~~source~~ or air pollution control equipment has been shown by tests in accordance with the provisions of Subpart J of this Part, applicable regulations, and permit conditions to operate in accordance with the emission limitations set forth in this Chapter, provided that the Agency may waive the requirement for actual tests where sufficient standard testing information is available; and

- 4) ~~d~~ The applicant has taken all technically feasible measures, including changes in work rules, to minimize the duration and frequency of startups and to reduce the quantity of emissions during startups; and

- 5) ~~e~~ If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H of this Part; and

- 6) ~~f~~ If required, the applicant has an approved episode action plan in effect in accordance with the provisions of 35 Ill. Adm. Code 244.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 201.162 Duration

No operating permit shall be valid for longer than five years or such shorter period as the Agency may specify in the operating permit as necessary to accomplish the purposes of the Act and this Chapter unless the source is subject to Section 201.169 of this Subpart ~~E-of-this-Part~~. Applications for renewal of an operating permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Sections 201.157, 201.158 and 201.159. The standards for issuance of renewal of operating permits shall be as set forth in Section 201.160.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 201.163 Joint Construction and Operating Permits

In cases where the Agency determines that an emission unit source or air pollution control equipment is sufficiently standard so as to obviate the need for separate construction and operating permits, the Agency may issue a joint construction and operating permit. The Agency may adopt procedures that which set forth the circumstances under which joint construction and operating permits may be issued; require data and information designed to determine compliance with this Chapter and ambient air quality standards; and which set forth the format by which all data and information shall be submitted. The standards for issuance of joint construction and operating permits shall be as set forth in Section 201.155 and 201.160. Except as herein provided, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. No joint construction and operating permit shall be valid longer than five years or such shorter period as the Agency may specify--the joint construction--and operating permit--as necessary to accomplish the purposes of this Chapter--unless the source is subject to Subpart B of this Part. Applications for renewal of a permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit and shall conform to such procedures as may have been adopted by the Agency, and the standards for issuance of renewal permits shall be as set forth in Sections 201.155 and 201.160. The term "operating permit" as used elsewhere in this Chapter shall be deemed to include a joint construction and operating permit.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 201.164 Design Criteria

- a) The Agency may adopt procedures that which set forth criteria for the design, operation or maintenance of emission units sources and air pollution control equipment. These procedures shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.
- b) Before adopting new criteria or making substantive changes to any criteria adopted by the Agency, the Agency shall:
 - 1) Publish a summary of the proposed changes in the Environmental Register or a comparable publication at the Agency's expense; and
 - 2) Provide a copy of the full text of the proposed changes to any person who in writing so requests; and
 - 3) Defer adoption of the changes for 45 days from the date of publication to allow submission and consideration of written comments on the proposed changes.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 201.169 Special Provisions for Certain Operating Permits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability:

- 1) Operating permits issued pursuant to Section 39 of the Act for sources of air pollution that are not subject to the requirements of Section 39.5 of the Act and are not required to have a federally enforceable State operating permit are subject to the provisions of this Section.
- 2) This Section only applies to sources that meet the requirements of subsection (a)(1) above and whose permit has not expired pursuant to a renewal request under subsection (b)(1) of this Section. If this Section no longer applies to a source and its permit has not expired pursuant to a renewal request under subsection (b)(1) of this Section, the terms and conditions of the permit shall remain in effect until the permit is superseded by a new or revised permit or is withdrawn.
- 3) Nothing in this Subpart shall be construed as exempting persons with permits issued pursuant to this Section from the requirements of Section 201.142 of this Part requiring a construction permit or from review under Part 203 procedures for new and modified emission units.
- 4) Unless specifically stated otherwise in this Section, all rules in this Part apply.
 - 1) Notwithstanding Section 201.162 of this Subpart, an operating permit subject to this Section shall expire 180 days after the Agency sends a written request for renewal of the permit. A permit shall terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.
 - 2) The Agency may request the renewal of an operating permit subject to this Section for reasons including, but not limited to, a change in the requirements applicable to the source; an indication that the information on the source's application is inaccurate; or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.
 - 3) In its request for renewal pursuant to subsection (b)(1) above, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Section or the ability of the source to comply with any requirement.
 - 4) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 40 of the Act and Section 201.168 of this Subpart, or a determination that a permit application is incomplete based upon insufficiencies such as, but not limited to, a failure to submit information requested under subsection (b)(3) above or Section 201.158 of this Subpart.
- c) Requirement for a Revised Permit:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Persons with operating permits subject to this Section must obtain a revised permit prior to any of the following changes at the source:

- A) An increase in emissions above the amount the emission unit or the source is permitted to emit; or
- B) A modification; or
- C) A change in operations that will result in the source's noncompliance with a condition in the existing permit; or
- D) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

- 2) If changes in the source's emission units or control equipment remove a source from the applicability of this Section, an owner or operator shall apply for a construction permit under Section 201.152 of this Subpart, if applicable, and either a Federally enforceable State operating permit or a Clean Air Act Permit Program (CAAPP) permit pursuant to Section 39.5 of the Act.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
PERMITS FOR CERTAIN SMALLER SOURCES

Section 201.180 Applicability (Repealed)

- a) Persons required to obtain operating permits under Part 201 are subject to this Subpart if:
- 1) The total emissions of all regulated air pollutants, as defined by 35 Ill. Adm. Code 211.550(b) that the source is permitted to emit on an annual basis are less than 25 tons; and
 - 2) The source is not subject to the operating permit requirements under Section 39.5 of the Act.
- b) This Subpart only applies to sources which meet the requirements of subsection (a) above and whose permit has not expired pursuant to a renewal request under Section 201.101(a) of this Subpart. If this Subpart no longer applies to a source and its permit has not expired pursuant to a renewal request under Section 201.101(a) of this Subpart, the terms and conditions of the permit shall remain in effect until the permit is superseded by a new or revised permit or it is withdrawn.
- c) Nothing in this Subpart shall be construed as exempting persons with permits issued pursuant to this Subpart from the requirements of Section 201.142 of this Part requiring a construction permit or from review under Part 203 procedures for new and modified emission units. Unless specifically stated otherwise in this Subpart, all rules in this Part apply.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 201.181 Expiration and Renewal (Repealed)

- a) Notwithstanding Section 201.162 of this Part, an operating permit subject to this Subpart shall expire 100 days after the Agency sends a written request for renewal of the permit. A permit shall also terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.
- b) The Agency may request the renewal of an operating permit subject to this Subpart for reasons including, but not limited to, a change in the requirements applicable to the source, an indication that the information on the source's application is inaccurate, or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.
- c) In its request for renewal pursuant to subsection (a) above, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Subpart or the ability of the source to comply with any applicable requirement.
- d) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 49 of the Act and Section 201.210 of this Part, or a determination that a permit application is incomplete based upon, but not limited to, a failure to submit information requested under subsection (c) above or Section 201.150 of this Part.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 201.187 Requirement for a Revised Permit (Repealed)

- a) Persons with operating permits subject to this Subpart must obtain a revised permit prior to any of the following changes at the source:
- 1) An increase in emissions above the amount the emission unit or the source is permitted to emit; or
 - 2) A modification; or
 - 3) A change in operations which will result in the source's noncompliance with a condition in the existing permit; or
 - 4) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.
- b) If changes in the source's emission units or control equipment remove a source from the applicability of this Subpart, an owner or operator shall apply for a revised permit under Subpart B of this Part or under Section 39.5 of the Act.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: CAAPP PERMITS

Section 201.207 Applicability

This Subpart shall apply only to sources subject to Section 39.5 of the Act. The requirements of Sections 201.143 through 201.148 of Subpart C, Sections 201.157 through 201.165 and 201.169 of Subpart D, and Subparts B7, G7 and H of this Part shall not apply to a source subject to the requirements of Section 39.5 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Environmental Health Practitioner Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1247
- 3) Section Numbers: Adopted Action:
1247.30 Amendment
- 4) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37].
- 5) Effective Date of Amendments: November 24, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 24, 1997
- 9) Date Notice of Proposal Published in Illinois Register: July 11, 1997, at 21 Ill. Reg. 8834.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: It now specifies that the passing score set by the testing entity for the licensure examination is 68%.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These adopted rules change the passing score on the licensure examination from 70% to 68% due to a change nationally by the testing entity.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1247
 ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section 1247.10	Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather)
1247.20	Application for Examination/Licensure
1247.30	Examination
1247.40	Approved Programs of Environmental Health Practitioners
1247.50	Experience
1247.60	Endorsement
1247.70	Renewal
1247.80	Inactive Status
1247.90	Restoration
1247.110	Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 20 Ill. Reg. 2400, effective January 29, 1996; amended at 21 Ill. Reg. _____, effective ____/____/____.

Section 1247.30 Examination

- a) The examination for licensure as an environmental health practitioner shall be the Environmental Health Proficiency Exam administered by the Department or its designated testing service.
- b) The passing score on the examination shall be 68%, the passing score established by the national testing entity 70%.

(Source: Amended at 21 Ill. Reg. 1030, effective ____/____/____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Numbers: Adopted Action: 1320.80 Amendment
- 4) Statutory Authority: Illinois Optometric Practice Act of 1987 [225 ILCS 80].
- 5) Effective Date of Amendments: November 24, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 24, 1997
- 9) Date Notice of Proposal Published in Illinois Register: July 11, 1997, at 21 Ill. Reg. 8844.
- 10) Has JCARE issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: No substantive changes were made to the proposed version.
- 12) Have all the changes agreed upon by the Agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: There has been a problem with licensees obtaining continuing education (CE) from out of state providers who were not approved sponsors. Although a mechanism existed for obtaining approval prior to or just after completion of the program, many individuals failed to do so until faced with a Departmental audit. This added provision for assessing a late fee is being added for other professions as well as optometry; the only alternative is to take disciplinary action against a licensee, which remains on their permanent record. Public Act 89-702, effective August 2, 1996, reauthorized the Optometric Practice Act for another ten years; among its changes was renaming the Optometric Licensing and Disciplinary Board (previously it was a "Committee").
- 16) Information and questions regarding these Adopted Amendments shall be

DEPARTMENT OF PROFESSIONAL REGULATION

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directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320
OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section

1320.20 Approved Programs of Optometry
1320.30 Application for Licensure
1320.40 Examinations
1320.45 Fees (Emergency Expired)
1320.50 Endorsement
1320.55 Renewals (Renumbered)
1320.60 Inactive Status
1320.70 Restoration
1320.80 Continuing Education
1320.90 Minimum Eye Examination
1320.95 Minimum Equipment List
1320.100 Practice of Optometry
1320.110 Advertising
1320.120 Granting Variances (Renumbered)

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section

1320.200 Standards
1320.210 Application for Diagnostic Certification
1320.220 Approved Diagnostic Topical Ocular Pharmacological Training
1320.230 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.240 Restoration of Diagnostic Certification
1320.250 Endorsement of Diagnostic Certification
1320.260 Renewal of Certification (Repealed)
1320.270 Display of Certification (Repealed)

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

Section

1320.300 Definitions and Standards
1320.310 Application for Therapeutic Certification
1320.315 Controlled Substance License Requirement
1320.320 Approved Therapeutic Ocular Training
1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.340 Restoration of Therapeutic Certification

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1320.350 Endorsement of Therapeutic Certification

SUBPART D: GENERAL

Section	
1320.400 Fees	
1320.410 Ancillary Licenses	
1320.420 Renewals	
1320.430 Granting Variances	

AUTHORITY: Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 11046, effective 11046.

SUBPART A: OPTOMETRY

Section 1320.80 Continuing Education

a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding March 31 in the year of the renewal. For the March 31, 1998 renewal and every renewal thereafter, optometrists who hold certification for therapeutic ocular pharmaceuticals shall, in addition to the 24 hours of CE, complete 6 hours of certified CE in the treatment of ocular disease during the prerenewal period as set forth in subsection (b)(3).

- 2) A CE hour equals 50 minutes. After completion of the initial CE

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hour, credit may be given in one-half hour increments.

- 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 4) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).
- 2) For the March 31, 1992, renewal and every renewal thereafter, as part of the 24 hours of required continuing education, each licensee shall complete during each prerenewal period at least 6 hours of credit which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act [225 ILCS 85].

- A) Each certified course shall include at least 2 hours of actual course presentation and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material. A maximum of one half hour additional credit will be given for the required post course evaluation.

- i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site.

- ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.

- iii) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.

- B) Licensees who attend a certified education course without passage of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsections (b)(1) and (b)(3).

- C) Any approved continuing education sponsor may offer, in conjunction with the above-referenced college or university, a certified course. Effective April 1, 1996, certified continuing education shall not be provided, sponsored, co-sponsored or in any way be supported or financially

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underwritten by a CE sponsor or others who receive patient referrals from those in attendance. Institutions in subsection (b)(2) are not deemed in violation of this Section.

D) Transcript quality continuing education courses shall be deemed equivalent to the certified courses if they meet the requirements set forth in subsection (b)(2)(A) above.

E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.

F) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.

3) Six (6) hours of certified CE courses in the treatment of ocular disease are required for licensees who are certified for therapeutic ocular pharmaceuticals in addition to the 24 CE hours required to renew an optometry license.

A) For the period ending March 31, 1998, a minimum of 2 hours shall be in the study of glaucoma.

B) The certified therapeutic CE courses shall meet the same requirements set forth in subsection (b)(2) above.

C) An optometrist who has completed the 120 hour therapeutic training set forth in Section 1320.300 during the prerenewal period will be considered to have met the CE requirements for that renewal period.

4) Eighteen (18) hours of CE credit may be earned as follows (not accepted for certified CE):

A) A maximum of 12 hours per prerenewal period for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.

B) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the Department, or practicing optometrists in CE programs approved by the Department. One hour of teaching at an optometry school approved by the Department is equal to one hour of continuing education.

C) A maximum of 2 hours per prerenewal period for verified self-instruction that is sponsored, or cosponsored by any previously approved optometry college, institution or national, state or local optometry association.

D) A maximum of 4 hours per prerenewal period for courses in practice management which includes business management.

E) A maximum of 2 hours of continuing education in cardiopulmonary resuscitation may be earned per prerenewal

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period.

5) For only one prerenewal period for the duration of an optometry license in Illinois, a licensee may take a 4 hour certified continuing education course in cardiopulmonary resuscitation to satisfy 4 of the 6 hours of certified continuing education required in subsection (b)(2) above.

6) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.

7) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Continuing Education Sponsors and Programs

1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group that has been approved and authorized by the Department upon the recommendation of the Optometric Licensing and Disciplinary Board committee to coordinate and present continuing education courses or programs.

2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.400(a)(6), which includes:

A) Certification:

- i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in this Section;

- ii) That the sponsor will be responsible for verifying attendance at each course or program and for providing a certificate of completion as set forth in subsection (b);

- iii) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

- iv) That each sponsor shall submit to the Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered;

B) A history and the experience of the sponsor as an educational provider;

C) A copy of a sample program with faculty, course materials and syllabi;

D) The name and address of the contact person responsible for all recordkeeping; and

E) A list of all principals of the organization applying for a sponsor license.

3) Each sponsor shall submit by March 31 of each even numbered year

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a sponsor application along with the required fee set forth in Section 1320.400(b)(3) of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.

- 4) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in subject matter of the program.
- 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.
- 6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and categories that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name, sponsor number and address of the sponsor;
 - ii) The name of the participant and his/her optometry license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Whether the course qualifies for certified continuing education and if the post-course evaluation was passed or failed.
 - B) The sponsor shall maintain these records for not less than 5 years. These records shall include all test materials utilized for certified courses.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board Committee (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably

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satisfactory assurances of compliance with this Section.

- d) Continuing Education Earned in Other States
 - 1) If a licensee has earned CE hours in another jurisdiction state or territory for which he/she will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a \$20.90 processing fee prior to the program or within 90 days after of completion of the program course. The Board Committee shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required 90 days, late approval may be obtained by submitting the application along with the \$20 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 3) The Board Committee has determined that the Council on Optometric Practitioner Education (C.O.P.E.) approved courses are acceptable for out of state continuing education. If a licensee attends an out of state C.O.P.E. approved course, the licensee will not be required to submit the out of state CE approval form and the \$20 \$10 processing fee.
- e) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board Committee, at which time the Board Committee may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
 - 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 1320.400(b)(1), a statement setting forth the facts (including time frames) concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board Committee, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

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- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre renewal period because of:
- A) Full time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board Committee and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board Committee is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 21 Ill. Reg. 16049, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Adopted Action:
 160.5 Amendment
 160.10 Amendment
 160.15 Amendment
 160.25 Amendment
 160.30 Amendment
 160.35 Amendment
 160.45 Amendment
 160.60 Amendment
 160.61 Amendment
 160.62 Amendment
 160.65 Amendment
 160.70 Amendment
 160.75 Amendment
 160.77 Amendment
 160.90 Amendment
 160.100 Amendment
 160.110 Amendment
 160.120 Amendment
 160.130 Amendment
 160.132 Amendment
 160.136 Amendment
 160.138 Amendment
 160.140 Amendment
 160.150 Amendment
 160.160 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8192), July 11, 1997 (21 Ill. Reg. 8854)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:

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Section 160.5

In the definition for "Assignment of Medical Support", the Ill. Rev. Stat. has been stricken and replaced by "[305 ILCS 5/10-1]".

In the definition for "Assignment of support", both Ill. Rev. Stat. citations have been stricken and "(1)" and "(2)" have been stricken.

Section 160.10

Subsection (a)(1) has been revised to read "children receiving Temporary Assistance for Needy Families (TANF)";

In subsections (a)(2),(a)(9),(a)(10),(c)(7) and (g), "TANF MANG" has been changed to "AFDC MANG".

In subsection (a)(11), "subsections (1)" has been changed to "subsections (a)(1)".

Section 160.30

The proposed rulemaking has been revised to include the existing language according to the adoption of March 13, 1997, which was published on March 28, 1997, at 21 Ill. Reg. 3922.

The end of subsection (b) has been revised to read:

A caretaker relative who fails or refuses, without good cause (see Sections 160.35 through 160.45), to cooperate in the enforcement of support obligation shall be ineligible for medical assistance for himself or herself. If a caretaker states, without good cause, a refusal to cooperate with child support enforcement requirements, the family is not eligible for cash benefits. A caretaker who fails to cooperate, without valid reason, is subject to the following provisions:

In subsections (b)(1) and (2), "50%" has been changed to "50 percent".

New subsections (b)(5) and (6) have been added as follows:

- 5) No sanction will be imposed until staff have a reconciliation meeting to determine whether the client had valid reason for failing to comply with requirements and the client has either failed to attend the meeting or failed to show valid reason. If the client fails to show valid reason, the reconciliation process will continue to enable resolution of disputes. Failure of the client to appear for a scheduled meeting is not considered an instance of noncooperation.

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- 6) The Department shall establish a reconciliation procedure to assist in resolving disputes related to any aspect of cooperation. Through the reconciliation process, the Department will have a mechanism to identify good cause and valid reason, ensure that the client is aware of the issue and enable the client to perform the required activity without facing sanction.

In subsection (e), "160.30(b)" has been changed to "subsection (b) of this Section".

Section 160.60

At the end of subsection (c)(11), the ILCS citation has been changed to "[305 ILCS 5/9-6 and Art. IXA]".

In subsection (d)(5)(D) and (E), "%" has been changed to "percent".

In the first line of subsection (d)(6), a comma has been added after "1997".

Section 160.61

In subsection (b)(11), the comma after the ILCS citation has been deleted.

In subsection (f), "genetic testing," has been changed to "genetic testing and", and a comma has been added after "a party".

In subsection (g), the underlining has been removed from the period.

In subsections (h)(2) and (3), the parentheses around the ILCS citation have been changed to brackets.

Section 160.65

In subsection (a)(7), "%" has been changed to "percent" and "\$10.00" has been changed to "\$10".

In subsection (e)(1), a comma has been added after "e.g.".

In subsection (i)(1), a comma has been added after "1993".

In subsections (j)(1)(A), (j)(1)(C), (j)(1)(D)(ii), (j)(1)(E), (j)(1)(F), (j)(1)(F)(i) and (ii) and (j)(2)(A), "State" has been changed to "state".

In subsection (j)(1)(F)(ii), "5" has been changed to "five".

Section 160.70

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In subsection (c)(11)(A), "this subsection" has been changed to "this subsection (c)".

In subsection (e)(5), the ILCS citation has been changed to "[305 ILCS 5/9-6 and Art. IXA]".

In subsection (f), the dash has been underlined.

At the end of subsections (g)(1)(C) and (E), "this subsection" has been changed to "this subsection (g)".

In subsection (g)(1)(F) and newly labeled (g)(2)(H), "Admin." has been changed to "Adm.".

In subsection (g)(1)(H), "real estate which" has been changed to "real estate that".

New subsections (g)(2)(C) and (D) have been added:

C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy served upon a financial institution shall:

i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];

ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days of being served with a Notice to Surrender Assets by the Department;

iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and

iv) include a form Response to Notice of Lien or Levy to be completed by the financial institution and returned to the Department with the surrendered assets from the levied account.

D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

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- i) the amount of assets in the responsible relative's account;
- ii) the amount of the fee to be deducted from the account;
- iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution; and
- iv) the amount of assets surrendered and remitted to the Department.

Subsections (g)(2)(C),(D),(E),(F),(G) and (H) have been relabeled as subsections (g)(2)(E), (F), (G),(H),(I) and (J) respectively.

At the end of newly labeled subsection (g)(2)(E), "subsection" has been changed to "subsection (g)".

In newly labeled subsection (g)(2)(G), "(g)(2)(C)" has been changed to "(g)(2)(E)" and "subsection" at the end has been changed to "subsection (g)".

In newly labeled subsection (g)(2)(J), "Federal" has been changed to "federal" and "this Section" has been changed to "this subsection (g)".

Newly labeled subsection (j) has been changed to read, "Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D Agency of Another State for Administrative Enforcement in the Other State".

In subsection (j)(2)(B), "subsection (i)(3)" has been changed to "subsection (j)(3)".

In subsection (j)(8), "subsection (i)(6)" has been changed to "subsection (j)(6)".

Section 160.75

In subsection (a), the parentheses around the ILCS citation have been changed to brackets.

In subsection (b)(1)(B), "per cent" has been changed to "percent".

In subsections (b)(1)(C) and (b)(2)(I), "number" has been changed to "Number".

In subsection (c)(1), "The Unemployment" has been changed to "the Unemployment", the parentheses around the ILCS citation have been changed to brackets and "2 business" has been changed to "two business".

In subsection (d)(1), "2 business" has been changed to "two business".

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At the beginning of subsection (d)(2)(A), "Contain" has been changed to "contain".

In subsection (e)(1), "this subsection" has been changed to "this subsection (e)".

At the end of subsection (e)(3), "(It shall" has been changed to "(it shall" and the period after "petition" has been deleted.

In subsection (e)(3)(A), "above" has been added after "subsection (b)(1)(A)".

In subsection (f)(4), "above" has been added after "subsection (f)(3)".

In subsection (g)(2)(B), the semicolon after "arrearage" has been deleted.

In subsection (h)(1), "this subsection" has been changed to "this subsection (h)".

In subsection (h)(2), "%" has been changed to "percent".

In subsection (j)(3), "subsections" has been changed to "subsection" and "above" has been added after "(h)".

In subsection (1), the ILCS citation has been changed to [750 ILCS 22].

Section 160.77

In subsection (c), the Code citation has been changed to "89 Ill. Adm. Code 104.200".

Section 160.90

In subsection (b)(2), the "A" after "2" has been stricken and subsections (b)(2)(i), (ii) and (iii) have been relabeled as subsections (b)(2)(A), (B) and (C) respectively.

In subsection (b), previous subsection (b)(2)(B) has been relabeled as subsection (b)(3) and previous subsections (b)(2)(B)(i), (ii), (iii) and (iv) have been relabeled as subsections (b)(3)(A), (B), (C) and (D) respectively. Previous subsections (b)(3)(4) and (5) have been relabeled as subsections (b)(4), (5) and (6) respectively.

In new subsection (b)(3), "seven (7) business" has been changed to "seven business".

In new subsection (b)(4), "twenty-one (21) days of" has been changed to "21 days after".

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In new subsection (b)(5), "forty-five (45) days of" has been changed to "45 days after".

In new subsection (b)(6), "twelve (12) month" and "twelve months" have been changed to "12 months" and "12 months" respectively.

In subsection (c)(1), "an TANF" has been changed to "a TANF".

In subsection (c)(1)(B), a colon has been added after "in which" and the rest of the text has been moved into new subsection (c)(1)(B)(i).

Subsection (c)(1)(C) has been relabeled as subsection (c)(1)(B)(ii) and "AFDC" has been changed to "TANF".

Subsection (c)(1)(D) has been relabeled as subsection (c)(1)(B)(iii) and the three occurrences of "AFDC" have been changed to "TANF".

In subsection (c)(2), both occurrences of "AFDC" have been changed to "TANF".

The subsection labeled as (c)(4)(A) has been relabeled as subsection (c)(3)(A) and all occurrences of "AFDC" in subsections (c)(3)(A)(i) and (ii) have been changed to "TANF".

Subsections (c)(5) and (6) have been relabeled as subsections (c)(4) and (5) respectively and in subsection (c)(4), "twenty-one (21) days" has been changed to "21 days".

In subsection (d)(1), "an AFDC" has been changed to "a TANF".

In subsections (d)(1)(C), (d)(2), (d)(3), and (d)(3)(A) and (B), "AFDC" has been changed to "TANF".

Subsection (d)(4) has been changed to read, "Informing Caretaker Relatives".

At the end of subsection (d)(4)(A), "of" has been stricken.

At the beginning of subsection (d)(4)(A)(i), "of" has been added.

In subsection (d)(4)(A)(ii), "pro-rata" has been changed to "pro-rate".

In subsection (e), "rule" has been changed to "Section".

Section 160.100

In subsection (b)(1), three occurrences of "\$50.00" have been changed to "\$50" and two occurrences of "fifteen (15) calendar" have been changed

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to "15 calendar". Also, "(See Section" has been changed to "(see Section".

In subsection (d), "subsections" has been changed to "subsection".

Section 160.110

In subsections (a) and (d), "fifteen (15) calendar" has been changed to "15 calendar".

In subsections (a), (b) and (d), "calendar days of" has been changed to "calendar days after".

Section 160.120

In subsections (b) and (c), "fifteen (15) calendar" has been changed to "15 calendar".

Section 160.130

In subsection (c), "thirty (30) calendar days of" has been changed to "30 calendar days after" and in subsection (d), "fifteen (15) calendar" has been changed to "15 calendar".

In subsections (d) and (e), "(1)" and "(2)" have been stricken.

Section 160.132

In the introductory language, "subsections a) through c) below" has been changed to "subsections (a) through (c) below".

In subsection (a), "fifteen (15) calendar" has been changed to "15 calendar".

Section 160.136

In subsection (b)(1), the comma after "that month" has been stricken.

In subsections (b)(2) and (b)(4), "fifteen (15) calendar days of" has been changed to "15 calendar days after".

In subsection (b)(4), "subsections b(1) through b(3)" has been changed to "subsections (b)(1) through (3)".

Section 160.140

In the introductory language, "thru" has been changed to "through".

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In subsection (a)(1)(G), "eleven (11) month" has been changed to "11 month".

In subsection (b)(8), "five (5) month" has been changed to "five month".

Section 160.160

In subsections (d)(1)(B) and (C), "social security" has been changed to "Social Security".

In subsections (g)(2) and (p), "thirty (30) calendar days of" has been changed to "30 calendar days after".

In subsection (1), "days of" has been changed to "days after".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

Sections 160.5 through 160.150

These amendments implement changes required to the Department's Title IV-D Child Support Enforcement Program under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and Public Act 90-18. These amendments:

- require provision for the child's health care coverage in all administrative support orders entered by the Department, and that the Department seek provision for such coverage in all judicial support orders;

- require in Temporary Assistance for Needy Families (TANF) cases that the Department enter administrative orders, or request the court to order in judicial cases, that the responsible relative pay past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code;

- provide that the Department will enter administrative support orders

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in situations in which the paternity of the child was established under the laws of another state;

- provide that the Department will provide copies of administrative support orders to the responsible relative and the IV-D client no later than 14 days after entry of the order;
- amend the administrative process for voluntarily acknowledging paternity to allow the child's mother or the alleged father to rescind the voluntary acknowledgment within the earlier of 60 days after the acknowledgment was signed, or the date of an administrative or judicial proceeding involving the child in which the mother or the alleged father is a party.
- change references to the ability of an alleged father in a contested administrative paternity case to demand a judicial trial by jury to delete mention of trial by jury but retain the option for the alleged father to demand a judicial determination;
- provide for entry of temporary orders for support in contested administrative paternity cases, upon request of a party where there is clear and convincing evidence of paternity;

- require the Department to provide notice to the parties to a IV-D child support order of the right to request review of the order not less than once every three years;

- provide for imposition of administrative liens by the Department against responsible relative real and personal property, notice to the responsible relative and an opportunity to be heard, and levy on such property for payment of past-due child support;

- provide for Department certification of past-due support to another state's IV-D agency where the responsible relative has property in the other state;

- provide for Department certification of past-due support to the Secretary of Health and Human Services for denial of passports to delinquent responsible relatives;

- provide that, unless income withholding is ordered to take effect immediately, it will commence as soon as a delinquency accrues and without prior notice to the obligor (notice is to be given to the obligor at the time the income withholding notice is served on the payor of income; the obligor can petition to contest withholding due to a dispute over the existence or amount of delinquency or the identity of the obligor);

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- provide that payors of income served with income withholding notices must forward withheld amounts within seven business days of the pay date.
- provide that income withholding notices may be served on payors of income electronically;
- provide that interstate income withholding is to be engaged pursuant to the provisions of the Uniform Interstate Family Support Act in cases in which the obligor is receiving income from a payor located in another state;
- provide that in addition to certifying past-due support to state licensing agencies for suspension or revocation of licenses, the Department will certify failure to comply with a subpoena or warrant in a child support proceeding as a reason for suspension or revocation; and
- change references to Aid to Families with Dependent Children (AFDC) to Temporary Assistance for Needy Families (TANF).

Sections 160.30 and 160.62

Recent legislation requires a complete restructuring of the Aid to Families with Dependent Children (AFDC) program. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. The TANF program also sets the stage for the administration of the welfare program by the new Illinois Department of Human Services, effective July 1, 1997. These amendments establish sanctions under TANF for failure to cooperate with the Child Support Enforcement program.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor

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Springfield, IL 62763
217/524-0081

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation By Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Application Processing Fee for IV-D Non-TANE Non-APBE Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause ~~for~~ Per Failure to Cooperate with With Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

- 160.70 Enforcement of Support Orders
- 160.75 Withholding of Income to Secure Payment of Support
- 160.77 Certifying Past Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
- 160.80 Amnesty - 20% Charge
- 160.85 Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

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Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section 160.100 Distribution of 0¢ Child Support for TANF For-APBE Recipients
- Section 160.110 Distribution of 0¢ Child Support for For Former AFDC or TANF Recipients Who Continue to to Receive Child Support Enforcement Services
- Section 160.120 Distribution of 0¢ Child Support Collected While the The Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the At--The Time the The AFDC or TANF Case Is Cancelled
- Section 160.130 Distribution of 0¢ Intercepted Income Tax Refunds and Other State Payments
- Section 160.132 Distribution of Child Support for Non-TANF Non-APBE Clients
- Section 160.134 Distribution of Child Support for Interstate Cases
- Section 160.136 Distribution of Child Support Collected in IV-E Foster Care Maintenance Cases
- Section 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section 160.140 Statement of 0¢ Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- Section 160.150 Department Review of 0¢ Distribution of 0¢ Child Support for TANF For APBE Recipients
- Section 160.160 Department Review of 0¢ Distribution of 0¢ Child Support for For Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March

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- 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16063 effective 11/2/97.

SUBPART A: GENERAL PROVISIONS

Section 160.5 Definitions

"AFDC" refers to the Aid to Families with Dependent Children Program, Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) that is financial and medical assistance available to families with one or more dependent children

"AFDC MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more dependent children.

"AFDC MANG recipient" refers to a member of a family with one or more dependent children receiving medical assistance only in the current month.

"AFDC recipient" refers to a person who is receiving financial and medical assistance under the AFDC program in the current month.

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 U.S.C. 1396k and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] ~~with--Rev. Stat.--1991--ch--23--par--10-1.~~

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"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of AFDC benefits, pursuant to 42 U.S.C. 602(a)(26)(A) and Section 10-1 of the Illinois Public Aid Code (1991-Rev--Stat--1991--ch--237-par--10-1) [305 ILCS 5/10-1] or (2) the Department of Children and Family Services ("DCFS"), in the case of IV-E foster care, pursuant to 42 U.S.C. 671(a)(17) and Section 9.1 of the Children and Family Services Act (1991-Rev--Stat--1991--ch--237-par--5009-1) [20 ILCS 505/9.1].

"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of AFDC financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 U.S.C. 654).

"Date of Collection" for distribution purposes in all cases refers to the date on which (a) a payor of income withholds an amount from a responsible relative's wages or other income to meet a support obligation when there is a served order-of income withholding notice, (b) the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits ("UIB") to meet a support obligation when there is withholding of UIB, or (c) in all other instances, a support payment is received by the Clerk of the Court or the Department, whichever date is earlier.

"Family Support Information System" or "FSIS" refers to the data processing system used to process all IV-D cases in Illinois.

"IV-D account receivable" or "support account" refers to a part of the accounting system in FSIS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 U.S.C. 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set

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forth in 42 U.S.C. 670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which (a) the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits ("UIB") to meet a support obligation, when there is a withholding of UIB, or (b) in all other instances, a support payment is received by the Clerk of the Court or the Department, whichever date is earlier.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 U.S.C. 139k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the FSIS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 U.S.C. 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"Unreimbursed AFDC" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed AFDC", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The amount of unreimbursed assistance accrued prior to the AFDC cancellation, reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 21 Ill. Reg. 911.20, effective 11/1/91)

Section 1609.10 Child Support Enforcement Program

- a) Under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as

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defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

- 1) children receiving Temporary Assistance for Needy Families (TANF) APBE;
 - 2) children receiving AFDC MANG;
 - 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.);
 - 4) children of applicants for TANF APBE-or-its-successor where the caretaker or specified relative is the putative father or relative of the putative father;
 - 5) children of applicants for TANF APBE-or-its-successor, where the mother and putative father of the children born out of wedlock are living together;
 - 6) children of applicants for TANF APBE-or-its-successor, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously cancelled;
 - 7) a spouse or former spouse when the former spouse/spouse lives with the child;
 - 8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;
 - 9) persons not receiving TANF APBE, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for such services;
 - 10) persons receiving AFDC MANG APBE/MANG that previously received AFDC or TANF cash assistance; and
 - 11) persons similarly situated to subsections (a)(1) through (10) above and receiving Title IV-D support services in other states.
- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.
- c) The Division of Child Support Enforcement has sole responsibility for:
- 1) identifying and locating the absent parent;
 - 2) establishing the parentage of a child born out of wedlock;
 - 3) establishing support obligations;
 - 4) enforcing and collecting support;
 - 5) receiving and distributing support payments;
 - 6) maintaining accurate records of location and support activities; and
 - 7) advising the local office of circumstances which may affect the family's eligibility for TANF APBE or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).
- d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.
- e) The Department shall explain to each TANF APBE applicant or recipient his or her responsibility to cooperate with the Department in

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obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.

- f) Whenever a family ceases to receive TANF APBE cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies. (45 CFR 302.33(a) and (d) and 303.70(d)(4) and (5) (1989))
- g) Whenever a family ceases to receive AFDC MANG assistance:
- 1) if the family previously received TANF APBE cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section; or
 - 2) if the family did not previously receive TANF APBE cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section.

(Source: Amended at 21 Ill. Reg. 1004.001, effective 10/1/89)

Section 160.15 Application Processing Fee for IV-D Non-TANF Non-APBE Cases

- a) For the purposes of this Section, the following definitions apply:
- 1) "Family unit" means all persons living in a household who are related by blood or marriage.
 - 2) "Poverty line" means the non-farm income official poverty line applicable to Illinois, as determined by the Federal Office of Management and Budget and revised annually in accordance with 42 U.S.C. 9902.
 - 3) "Gross monthly income" means the total of all monthly income from all sources, excluding child support and maintenance.
- b) Commencing with the effective date of this Section, in IV-D non-TANF non-APBE cases where an application for child support services is required, the Department shall charge the applicant an application processing fee as follows:
- 1) \$25 where the gross monthly income of the applicant's family unit is at least 133 percent of the poverty line applicable to families of the same size; or
 - 2) \$15 where the gross monthly income of the applicant's family unit is at least equal to the assistance standard but less than 133 percent of the poverty line applicable to families of the same size; or
 - 3) One cent where the gross monthly income of the applicant's family unit is less than the assistance standard applicable to families of the same size, except that the one cent fee shall be paid by

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the Department out of State funds.

- c) The application processing fee shall be non-refundable and shall be paid prior to the commencement of child support enforcement services.

(Source: Amended at 21 Ill. Reg. 16.069, effective 1/1/84.)

Section 160.25 Recoupment

- a) The Department shall seek written agreements from individuals applying for or receiving IV-D non-TANF non-APBE support enforcement services authorizing recoupment, through retention of up to ten percent of future child support collections, in the event the individual receives funds through the Department's child support enforcement program to which he or she was not entitled. Recoupment shall apply only to such funds received by the individual after the date of the agreement.

- b) In those cases in which the client has signed an agreement authorizing recoupment from child support collections, the Department shall provide the client with a notice at least 45 days prior to commencing recoupment which shall inform the client of the following:

- 1) the IV-D non-TANF non-APBE identification number of the case in which the client received funds to which the client was not entitled;
 - 2) the responsible relative's name;
 - 3) the amount to be recouped;
 - 4) the reason the client was not entitled to the funds;
 - 5) that up to ten percent of each child support payment collected in the IV-D non-TANF non-APBE case will be retained by the Department until the full amount stated in the notice is recouped, commencing with the next payment of child support received from the responsible relative 45 days after the date of mailing of the notice;
 - 6) the opportunity, within 30 days after the date of mailing of the notice, to prevent recoupment by payment of the full amount stated in the advance notice; and
 - 7) the opportunity to contest the determination that the client received funds to which the client was not entitled or the amount of such funds by requesting a redetermination by the Department.
- c) The Department shall be stayed from commencing recoupment when a request for redetermination is received within 30 days after the date of mailing of the advance notice. For purposes of computing whether a request for redetermination was made within the 30 day period, the day immediately after the mailing of the advance notice shall be considered as the first day and the day the request for redetermination was received by the Department shall be considered as the last day.
- d) The Department shall provide the client with notice of the results of the redetermination.

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- e) The Department shall reimburse the client for any amount due that was previously recouped, based on the results of the redetermination.
- f) The Department shall inform individuals applying for or receiving IV-D non-TANF non-APBE support enforcement services that they will be liable for repayment of any amount received if the Department determines they were not entitled to that amount.

(Source: Amended at 21 Ill. Reg. 16.069, effective 1/1/84.)

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section 160.30 Cooperation With Support Enforcement Program

- a) As a condition of individual eligibility for--APBC, unless the Department determines there is good cause for refusing, a caretaker relative (see 89 Ill. Adm. Code 101.20 for definition of "caretaker relative") must cooperate with the Department in:

- 1) identifying and locating the responsible relative of a child for whom aid is claimed;
- 2) establishing the paternity of a child for whom aid is claimed;
- 3) obtaining support from the responsible relative; and
- 4) enforcing support obligations.

- b) If the caretaker relative and his or her spouse are in the home and are included in the assistance grant, both must comply with the cooperation requirements. A caretaker relative who fails or refuses to cooperate, without good cause (see Sections 160.35 through 160.45), to cooperate in the enforcement of support obligations shall be ineligible for medical assistance for himself or herself. If a caretaker states, without good cause, a refusal to cooperate with child support enforcement requirements, the family is not eligible for cash benefits. A caretaker who fails to cooperate, without valid reason, is subject to the following provisions: ~~excluded--from--the assistance-grant--~~

- 1) For the first instance of non-cooperation, the cash assistance payment will be reduced by 50 percent of the family's Payment Level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.
- 2) For the second instance of non-cooperation, the cash assistance payment will be reduced by 50 percent of the family's Payment Level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.
- 3) For the third (or more) instance of non-cooperation, the family's entire cash assistance payment will be stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month

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sanction period.

- 4) Sanction penalties accumulate during any single period of continuous assistance. A loss of all cash assistance due to a sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction penalty shall apply.
- 5) No sanction will be imposed until staff have a reconciliation meeting to determine whether the client had valid reason for failing to comply with requirements and the client has either failed to attend the meeting or failed to show valid reason. If the client fails to show valid reason, the reconciliation process will continue to enable resolution of disputes. Failure of the client to appear for a scheduled meeting is not considered an instance of noncooperation.
- 6) The Department shall establish a reconciliation procedure to assist in resolving disputes related to any aspect of cooperation. Through the reconciliation process, the Department will have a mechanism to identify good cause and valid reason, ensure that the client is aware of the issue and enable the client to perform the required activity without facing sanction.
- c) "Cooperating with the Department" in the context of subsection (a) of this Section means any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in subsection (a) of this Section:
 - 1) appearing at such places as an office of the Department or the Department's legal representative (such as the Attorney General or his designee), as necessary, to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the caretaker relative;
 - 2) appearing and testifying as a witness at judicial or administrative proceedings;
 - 3) paying to the Department any child support payments received from the responsible relative; and
 - 4) providing information, or attesting to the lack of information, under penalty of perjury (for the penalty for perjury, see Section 32-2 of the Criminal Code [720 ILCS 5/32-2]. All caretaker relatives must sign a statement attesting that:
 - A) he or she has to the best of his or her ability, provided all information requested of him or her, and
 - B) all information which he or she has provided is true and correct to the best of his or her knowledge.
- d) if a caretaker relative fails/refuses to comply with the requirements of subsection (c) of this Section, he or she is ineligible for financial and medical assistance, that is "sanctioned" for as long as the failure/refusal to cooperate continues. Grounds for a determination that a caretaker relative has failed or refused failed/refused to cooperate with the requirements of subsection (c) of

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this Section are as follows:

- 1) failure or refusal failure/refusal, without a valid reason, to appear for an appointment or interview appointment/interview at such places as the Department's or the Department's legal representative's office;
- 2) failure or refusal failure/refusal, without a valid reason, to appear and testify as a witness at a judicial or administrative proceeding;
- 3) failure or refusal failure/refusal, without a valid reason, to submit to a court or administratively-ordered genetic test; or
- 4) failure or refusal failure/refusal during an appointment or interview appointment/interview to attest under penalty of perjury that:
 - A) he or she has provided all verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by him or her about the identity and location of the responsible relative; and
 - B) the information provided is true and correct to the best of his or her knowledge.
- 5) A caretaker relative may claim a valid reason for failure or refusal failure/refusal to appear for an appointment or interview appointment/interview, to appear and testify as a witness at a judicial or administrative proceeding or to submit to a court or administratively-ordered genetic test.
 - A) Examples of valid reasons for failure or refusal failure/refusal to cooperate include, but are not limited to:
 - i) illness;
 - ii) incapacity (for example, a broken leg, information of a scheduled surgery or recuperation from surgery);
 - iii) death in the family;
 - iv) non-Child Support Enforcement court-required appearance;
 - v) temporary incarceration;
 - vi) family crisis;
 - vii) breakdown in child care arrangements;
 - viii) sudden or unexpected emergency;
 - ix) unavailability of otherwise suitable child care;
 - x) breakdown in transportation arrangements or lack of reasonably available transportation; or
 - xi) non-receipt of notice of appointment or interview appointment/interview, court date or genetic test date.
 - B) The Department will not require a caretaker relative to provide proof of a valid reason for failure or refusal failure/refusal to cooperate unless:
 - i) the caretaker relative has failed or refused failed/refused to appear for an appointment or

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interview ~~appointment/interview~~, judicial or administrative proceeding or genetic test on at least one other occasion within a 30-day 90-day period from the first failure to appear; or

ii) evidence, independent of the explanation of valid reason, contradicts the caretaker relative's explanation.

C) When the Department requests proof of a valid reason, the caretaker relative must provide such proof (for example such as, physician's statement, dated pharmacy statement, hospital admission statement, statements by witnesses) within ten (10) calendar days after the request. The Department shall allow an additional ten (10) calendar days to provide proof at the request of the caretaker relative. If the caretaker relative does not provide the proof, the Department shall reject the claim of a valid reason ~~his or her financial and medical assistance will be discontinued~~.

D) The sanction for failure or refusal ~~failure/refusal~~ to appear for an appointment or interview or genetic test shall be rescinded at any level of the appeal process up through and until the final agency decision and any lost benefits will be restored, if the caretaker relative establishes a valid reason for his or her failure or refusal ~~failure/refusal~~.

e) If a caretaker relative, who is subject to the penalty at subsection (b) of this Section ~~ineligible for financial and medical assistance~~ because of a failure or refusal ~~failure/refusal~~ to cooperate indicates that he or she is willing to cooperate within the three-month penalty period, he or she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he or she complies with the requirements that he or she previously failed or refused ~~failed/refused~~ to meet as follows:

1) In the case of a caretaker relative for whom a sanction was imposed ~~who was--sanctioned~~ for missing an interview or appointment ~~interview/appointment~~, he or she may demonstrate cooperation by appearing at a new interview or appointment ~~interview/appointment~~. If the caretaker relative notifies the Department that he or she is willing to cooperate, the Department will schedule a new interview or appointment ~~interview/appointment~~ no later than three weeks from the date of such notification. If the caretaker relative appears at the new interview or appointment ~~interview/appointment~~, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

2) In the case of a caretaker relative for whom a sanction was

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~~imposed who was--sanctioned~~ for failure to submit to a genetic test to establish paternity, he or she may demonstrate cooperation by submitting to the genetic test. If the caretaker relative notifies the Department that he or she is willing to cooperate, the Department will schedule a genetic test within three weeks from the date of such notification. If the caretaker relative submits to the genetic test, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

3) In the case of a caretaker relative for whom a sanction was imposed ~~who was--sanctioned~~ for not attending a court or administrative appearance, he or she may demonstrate cooperation by attending the next court or administrative appearance or, once in a court or administrative case after 30 days have passed since the missed appearance, by signing a statement that he or she is now willing to cooperate and will attend the next scheduled court or administrative appearance. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

4) In the case of a ~~sanctioned~~ caretaker relative for whom a sanction was imposed for ~~whose~~ failure to attend a court or administrative appearance or other failure to cooperate resulted in the dismissal of the court or administrative case, he or she may demonstrate cooperation by doing what he or she failed to do or, once in a court or administrative case after 60 days have passed since the dismissal, by signing a statement that he or she is now willing to cooperate. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

5) In the case of a caretaker relative for whom a sanction was imposed ~~who was--sanctioned~~ for not attesting, he or she may demonstrate cooperation by executing the attestation described in subsection (d)(4) of this Section. Assistance for the caretaker relative shall be authorized as of the date he or she executes the attestation if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

6) The Department shall not deny or terminate a pregnant caretaker relative's medical assistance because of the caretaker relative's failure to cooperate with the requirements of subsection (c) of this Section until at least 30 days have elapsed since termination of the pregnancy.

f) A sanction for failure or refusal ~~failure/refusal~~ to comply with the

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requirements of subsection (c) of this Section shall be rescinded at any level of the appeal process up through and including the final agency decision and any lost benefits will be restored, if the caretaker relative establishes good cause for failure or refusal to cooperate.

(Source: Amended at 21 Ill. Reg. 40050, effective 10/1/90)

Section 160.35 Good Cause for ~~For~~ Failure to Cooperate with With Support Enforcement

a) The Department shall inform the caretaker relative of the right to claim good cause for failing to cooperate.

b) In order to be exempted from the cooperation requirement as to a particular child, the caretaker relative who claims good cause must either:

- 1) provide the Department with evidence on which it may base a determination of good cause; or
 - 2) furnish information sufficient to permit the Department to investigate to determine that cooperation is against the best interests of the child (see Section 160.40).
- c) Upon request, the Department shall assist the caretaker relative in obtaining acceptable evidence and shall not deny, delay or discontinue assistance, pending a determination of good cause, if the caretaker relative has complied with the requirement to furnish evidence or information.

d) A caretaker relative has good cause and is exempt from the requirement of cooperation if:

- 1) The Department determines that cooperation reasonably may be expected to result in physical or emotional harm to the caretaker relative or the child for whom support is being sought; or
- 2) The Department determines that because of the existence of one of the following circumstances proceedings to establish paternity or to obtain support would be detrimental to the child:

- A) The child was conceived as a result of incest or forcible rape;
- B) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
- C) The caretaker relative or parent in the home is currently being counseled by a public or licensed private social agency in order to decide whether to keep the child or to relinquish the child for adoption and the counseling has not lasted more than three months.

e) An applicant for, or recipient of, TANF ~~APPE~~ who refuses to cooperate and who claims to have good cause for refusing to cooperate has the burden of establishing the existence of good cause circumstance. Such applicant or recipient will be required to:

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- 1) Specify the circumstances, as described in subsection (d) of this Section, that the applicant or recipient believes provide sufficient good cause for not cooperating.
- 2) Corroborate the good cause circumstances in accordance with Section 160.40.
- 3) If requested, provide sufficient information (such as the information listed in Section 160.40(b)(1) through (b)(6)). See Section 160.40(f) for when the Department will conduct an investigation.

f) If the requirements of subsection (e) of this Section are not met, the Department shall determine that good cause does not exist. If the Department determines that good cause does not exist:

- 1) the applicant or recipient will be so notified and afforded an opportunity to cooperate, withdraw the application, or have the case closed; and
- 2) continued refusal to cooperate will result in imposition of the sanction provided by Section 160.30(b), or in a case assigned to the experimental treatment group or the non-experimental treatment group in the paternity establishment and continued eligibility program under subsection (c) of Section 160.61, the sanctions provided by Section 160.62.

g) The Department's final determination that good cause does or does not exist shall be made within 45 days after the date the exemption was claimed, shall be in writing, shall contain its findings and basis for the determination, and shall be filed in the TANF ~~APPE~~ case record. The Department will exceed this time standard only where the case record documents that the Department needs additional time because the information required to verify the claim cannot be obtained within the time standard or that the claimant did not provide corroborative evidence within the period required by Section 160.40. Such extension shall not exceed 45 days and shall be granted only under the conditions described in subsection (f) of this Section.

h) The administrative unit responsible for the Department's support enforcement activities shall have an opportunity to review and comment on proposed determinations of good cause for refusing to cooperate and may participate in any administrative hearing proceeding resulting from actions taken pursuant to a final determination. In accordance with established procedures, the caretaker relative has the right to appeal any action taken by the Department as a result of its final determination.

i) The Department shall review, during each redetermination of eligibility, all cases in which there has been a determination of good cause based on circumstances subject to change.

(Source: Amended at 21 Ill. Reg. 40050, effective 10/1/90)

Section 160.45 Suspension of Child Support Enforcement Upon Finding of Good

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Cause

- a) Upon receiving notice from the local office that an applicant or recipient has claimed good cause, the Division Bureau of Child Support Enforcement will suspend all activities to establish paternity or secure child support until notified of a final determination by the local office.
- b) The Division Bureau of Child Support Enforcement shall not undertake to establish paternity or secure child support in any case for which it has received notice that there has been a finding of good cause pursuant to Section 160.35(c).

(Source: Amended at 21 Ill. Reg. 160.35(c) effective 10/1/84)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations

a) Definitions

- 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
- 2) "Service" or "Served" means notice given by certified mail, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)
- 3) "Support Statutes" means the following:

- A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. XI;
- B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
- C) The Non-Support of Spouse and Children Act [750 ILCS 15];
- D) ~~The Revised-Uniform-Reciprocal-Enforcement--of--Support--Act [750-1508-2017]~~
- E) ~~The Uniform Interstate Family Support Act [750 ILCS 22];~~
- F) ~~The Illinois Parentage Act of 1984 [750 ILCS 45]; and~~
- G) ~~Any other statute in another state which provides for child support.~~

- 4) "Retrospective support" means support for a period prior to the date a court or administrative support order is entered, including for reimbursement of cash assistance furnished by the Department to the custodial parent and/or children prior to the determination of support.

b) Responsible Relative Contact

- 1) Timing and Purpose of Contact
- A) The Department shall contact and interview responsible

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relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.

- B) The purpose of contact and interview shall be to obtain relevant facts including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

- 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
- C) that the responsible relative has a legal obligation to support the named persons;
- D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
- E) that the responsible relative should bring specified information regarding his' income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

- 1) The Department shall use the guidelines set forth below to determine the financial ability of responsible relatives to provide support in Title IV-D cases.
- 2) The minimum amount of child support to be established shall be determined as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

- 3) "Net Income" is the total of all income from all sources, minus the following deductions:

- A) Federal income tax (properly calculated withholding or estimated payments);
- B) State income tax (properly calculated withholding or estimated payments);
- C) Social Security (FICA payments);

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- D) Mandatory retirement contributions required by law or as a condition of employment;
- E) Union dues;
- F) Dependent and individual health/hospitalization insurance premiums;
- G) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
- H) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
- I) Medical expenditures necessary to preserve life or health; and
- J) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- 4) The deductions in subsections (C)(3)(H), (I) and (J) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative, or request the court to enter, support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 5) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- A) the financial resources and needs of the child;
 - B) the financial resources and needs of the custodial parent;
 - C) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - D) the physical and emotional condition of the child, and his educational needs; and
 - E) the financial resources and needs of the non-custodial parent.
- 6) Each order requiring support which deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 7) All orders for support shall include a provision for the health care coverage of the child. In all cases where health/hospitalization insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health/hospitalization insurance coverage is being provided. However, in Title IV-D non-TANF non-APBE cases

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- where the client is neither an applicant for nor a recipient of Medical Assistance, the Department shall enter or request such support orders only with the client's consent. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.
- 8) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.
- 9) In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of a court or administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's portion of the cash assistance grant provided, or the amount of the child's needs, whichever is greater.
- 10) The final order in all cases shall state the support level in dollar amounts.
- 11) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order, payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- 12) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
- A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health

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insurance coverage through the employer or other group coverage; and

E) if so, the policy name and number and the names of persons covered under the policy.

- 13) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.

d) Administrative Process

1) Use of Administrative Process

A) Department FSS's shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
- ii) alleged paternity and support is sought from the mother;
- iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both; and
- iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
- v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.

B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:

- i) that the responsible relative may be required to pay retroactive support as well as current support, and that he may be liable for reimbursement of public assistance furnished the named persons prior to determination of the ability to support; and
- ii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial

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ability based upon the guidelines.

- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of the administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the FSS shall order the responsible relative to pay retroactive support for the prior period in the amount of the cash assistance provided, as specified in subsection (c)(9) of this Section. In administrative process cases, the period prior to the entry of the administrative support order shall commence with the parties' separation, unless the child was born out of wedlock and paternity was determined under Section 160.61 or under Section 12 of the Vital Records Act [410 ILCS 535/12], in which case such period shall commence with the child's birth.

3) Failure to Appear

A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as furnished by affidavit of the IV-D client, or the child's portion of the cash assistance grant, whichever is greater. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.

B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:

- i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds

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the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
 ii) income exceeds that reported by the relative.

- C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.

- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then seek establishment of support obligations through the judicial process pursuant to subsection (e) of this Section.

4) Registration of Order of Another State

- A) The FSS shall register a support order entered by a court or administrative body of any other state referred for establishment and enforcement of an Illinois support obligation, on behalf of persons receiving Title IV-D services from such state, upon receipt of the following:

- i) a request that another state's support order be administratively registered to effect interstate income withholding;
- ii) the referring state's IV-D case name and identification number;
- iii) the names and birthdates of the persons for whom support is ordered;
- iv) a certified copy of the support order with all modifications;
- v) a certified copy of an order for withholding, if any, still in effect;
- vi) a certified copy of the payment record or, if there is no payment record, an affidavit attesting to the amount of arrearage which has accrued under the support order;
- vii) the name, address, and social security number of the responsible relative; and
- viii) the name and address of the responsible relative's employer or any other source of income of the relative from which withholding may be effected, if known.

- B) When registered such order shall become an administrative support order of the Department. The FSS shall enter a separate administrative support order of the Department which shall contain the terms of the registered order.

- 5) An administrative support order shall include the following:

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- A) the Title IV-D case name and identification number;
 B) the names and birthdates of the persons for whom support is ordered;

- C) the beginning date, amount and frequency of support;
 D) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;

- E) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;

- F) the manner in which support payments are to be made; and
 G) a statement informing the responsible relative that he has 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102.

- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75.

The FSS shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75. Upon entry of any administrative support order, the FSS shall enter a separate administrative order for withholding based upon and in the same manner as prescribed in Section 160.75. The order shall inform the responsible relative of the grounds for a petition and the time within which to petition the Department to stay service or to modify, suspend or terminate the order for withholding or to stay service of the notice of delinquency and receive a hearing in accordance with 89 Ill. Adm. Code 104.104.

- 7) The FSS shall provide to each responsible relative a copy of each administrative support order for support and for withholding entered, no later than 14 days after entry of such order, by:

- A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgement of receipt signed by the relative or an affidavit of delivery signed by the FSS shall be sufficient for purposes of notice.

- B) certified mail where the relative fails or refuses to accept delivery or the orders are entered by default.

- C) service in the case of registration of the support orders of another state. A copy of such state's orders shall be served with those of the Department.

- 8) The FSS shall provide to each Title IV-D client a copy of each

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administrative support order within 14 days after entry of such order for support and for withholding entered.

e) Judicial Process

- 1) Department FSS's shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), in those wherein the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section.

- 2) The FSS shall prepare the transmit pleadings and obtain or affix appropriate signature thereto which pleadings shall include, but not be limited to, petitions to:

- A) intervene;
- B) modify;
- C) change payment path;
- D) establish an order for support;
- E) establish retroactive support;
- F) establish past-due support;
- G) ~~obtain an order for withholding~~;
- G)H) establish parentage;
- H)I) obtain a rule to show cause; and
- I)J) combinations of the above.

(Source: Amended at 21 Ill. Reg. 6.152, effective 6-1-82)

Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment

a) Definitions

- 1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that the father is another man from the same racial background.
- 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
- 3) "Service" or "Served" means notice given by personal service, certified mail, return receipt requested, or by any method provided by law for service of a summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)
- 4) "Non-marital child", as used in this Section and Section 160.62, means a child born out of wedlock for whom paternity has not been established.
- 5) "Alleged father", as used in this Section and Section 160.62, means a man alleged to be the father of a non-marital child.

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- 6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].

b) Uncontested Administrative Paternity Process

- 1) Department FSS's shall establish a man's paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- A) a non-marital child and support is sought from the alleged father;
- B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
- C) presumed paternity as set forth in Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.

2) Contact with Responsible Relatives

- A) Following the IV-D client interview, the Department shall contact and interview:

- i) alleged fathers to establish paternity and support obligations; and
- ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the mother, or both.

- B) The purpose of contact and interview shall be to obtain relevant facts including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.

- 3) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation by ordinary mail, to the alleged father from whom child support is sought, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the name and birthdate of the non-marital child;
- C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
- D) the date, time, place and purpose of the interview and that

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- the alleged father may be represented by counsel;
- E) that the alleged father should bring specified information regarding his income and resources to the interview;
- F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and
- G) that the alleged father may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child.
- 4) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
 - E) that the mother should bring specified information regarding her income and resources to the interview;
 - F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
 - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child.
- 5) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that

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- the mother may be represented by counsel;
- E) that the mother should bring specified information regarding her income and resources to the interview;
- F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;
- G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
- H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.
- 6) Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)], the FSS shall send a notice to the presumed father which shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the child's name and birthdate;
 - C) the name of the child's mother;
 - D) that the man to whom the notice is directed has been identified as the child's presumed father;
 - E) that another man has been alleged to be the child's father, and the name of that alleged father;
 - F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
 - G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
 - H) that counsel may accompany the presumed father to the interview.
- 7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the

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client may attend if the client chooses.

- 8) In cases involving a non-marital child:
 - A) The FSS shall provide the alleged father and the child's mother an opportunity to establish paternity by voluntarily signing an acknowledgment of paternity (and, in a case in which there is also a presumed father, an opportunity for the mother and the presumed father to sign a denial of paternity), after being provided with information concerning the implications of signing the acknowledgment (and denial), including parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody and visitation.
 - B) The FSS shall enter and serve an administrative paternity order finding the alleged father to be the father of the child where:
 - i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
 - ii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
 - iii) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
 - iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
 - v) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has

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- vi) physical custody of the child; the presumed father fails to appear in response to the Department's notice to presumed father served upon him, and the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment;
 - vii) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1; or
 - viii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him, and the presumed father fails to appear in response to the Department's notice to presumed father served upon the presumed father.
- C) The FSS shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
 - 9) An agreement to be bound by the results of genetic testing under subsection (b)(8)(B) of this Section shall not be valid where the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the agreement to be bound by the results of genetic testing, except where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.
 - 10) A man against whom a default administrative paternity order has been entered, pursuant to subsection (b)(8)(B)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, may have the order vacated if, within 30 days after being served with the order, he appears in person at the office to which he was given notice to appear for an interview pursuant to subsection (b)(3) of this Section and files a written request for relief from the order. The FSS shall then proceed with the establishment of paternity under this Section. A man may obtain relief under this subsection only once in any proceeding to establish paternity.
 - 11) The child's mother or the alleged father may void the presumption of paternity created by voluntarily signing an acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12] by signing a rescission of paternity by the earlier of:
 - A) 60 days after the date the acknowledgment of paternity was

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signed; or

B) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the mother or the alleged father is a party. If the mother or alleged father signs a rescission of paternity, the PFS shall process the case under this subsection (b).

c) Contested Paternity and Support Establishment and Continued Eligibility Demonstration Program

1) The Department shall conduct a demonstration program for administrative paternity and support establishment and continued eligibility for custodial parents of a non-marital child who are applicants for or recipients of cash assistance under Articles IV, V, and VI of the Illinois Public Aid Code.

2) The demonstration program shall be implemented Statewide with applicants and recipients in McLean County randomly assigned to one of the three following groups:

A) an experimental treatment group, which will be subject to the provisions of Section 160.62;

B) a non-experimental treatment group, which will also be subject to the provisions of Section 160.62; and

C) a control group, which will be subject to the provisions of Section 160.30.

3) Applicants and recipients in all counties, other than McLean County, shall be assigned to the non-experimental treatment group and subject to the provisions of Section 160.62.

4) In demonstration program cases in which paternity is uncontested, the Department shall establish paternity in accordance with subsection (b) of this Section.

5) Demonstration program cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity. The Department shall provide the alleged father (and any presumed father) with notice and opportunity to contest paternity at an administrative hearing, as well as inform the alleged father (and any presumed father) of his right to demand a judicial determination of the existence of the father and child relationship ~~trial-by-jury~~. The notice and any hearing shall be governed by Sections 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60.

6) Notice shall be served on all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) of this Section or, where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which

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the administrative proceeding is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.

7) The Department shall enter default paternity determinations in demonstration program cases as provided for under subsection (b) of this Section. However, where notice of the administrative proceedings was served on a party by publication under subsection (c)(6) of this Section, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsection (d) of this Section, except that where notice was served by publication the notice of default paternity determination shall not include the mother's and father's Social Security numbers, and shall include a statement of the following in lieu of a statement that the order is a final and binding administrative decision:

A) that the man determined to be the child's father may bring a petition in the circuit court for relief from the administrative paternity determination on the same grounds provided for relief from judicial judgments under Section 2-1401 of the Code of Civil Procedure [735 ILCS 5/2-1401];

B) that such a petition must be filed no later than two years after the notice of default paternity determination was published; and

C) that allegations made in such a petition without reasonable cause that are found to be untrue by the circuit court may subject the petitioner or his attorney, or both, to the payment of reasonable costs and attorney's fees incurred by the Department in defending against the petition.

8) In those cases in which the alleged father or presumed father has requested that the court determine the existence of a father and child relationship ~~trial-by-jury~~, the Department shall refer the case for judicial action to establish paternity and support in accordance with subsection (i) of this Section.

9) The Department shall not proceed to establish paternity administratively under the demonstration program in those cases wherein the court has acquired jurisdiction previously, the alleged or presumed father has requested that the court determine the existence of a father and child relationship ~~trial-by-jury~~, or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.

10) In any case where the administrative paternity process has been

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initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original demonstration program county, the paternity determination case shall remain in the original demonstration county unless a transfer to the county in which the non-custodial parent and the non-marital child reside is requested by the custodial parent, in writing, within ten days after the move outside the original demonstration county.

d) An administrative paternity order, whether entered under subsection (b) or subsection (c) of this Section, shall include the following:

- 1) the Title IV-D case name and identification number;
 - 2) the name and birthdate of the child for whom paternity is determined;
 - 3) the alleged father's name and his Social Security number, if known;
 - 4) the mother's name and her Social Security number, if known;
 - 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, agreement to be bound by the results of genetic testing, default, contested hearing);
 - 6) except in cases in which paternity is administratively determined under subsection (b)(8)(B)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, or in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that he has 30 days from the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105;
 - 7) in cases in which paternity is administratively determined by default under subsection (b)(8)(B)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, a statement informing the responsible relative of the relief available pursuant to subsection (b)(10) of this Section; and
 - 8) in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III].
- e) When the paternity of a child has been administratively established under subsection (b) or (c) of this Section, the Department shall enter an administrative support order under the process set forth in Section 160.60.
- f) In cases in which a final administrative determination of paternity is pending, but there is clear and convincing evidence of paternity based upon the results of genetic testing and upon motion of a party, the Department shall enter a temporary order for support in the manner provided for in Section 160.60.

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g) The Department shall notify the Department of Public Health of final administrative paternity determinations, and voluntary acknowledgments of paternity, denials of paternity and rescissions of paternity.

h) In cases in which a child's certificate of birth is on file in a state other than Illinois and any of the circumstances stated below occur, the Department shall forward to the other state a copy of the final administrative determination of paternity or the voluntary acknowledgment of paternity (and the presumed father's denial of paternity, if applicable) or the rescission of paternity:

- 1) the Department enters a final administrative determination of paternity; or
- 2) the paternity of a child is established by voluntary acknowledgment under Section 12 of the Vital Records Act [410 ILCS 535/12]; or
- 3) the alleged father or the child's mother rescinds a voluntary acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12].

i) Judicial Process. The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of 1984 [750 ILCS 45], the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:

- 1) involving contested paternity, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section;
- 2) where the non-marital child was not conceived in Illinois and the alleged father resides in a state other than Illinois;
- 3) where the court has acquired jurisdiction previously;
- 4) where the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 500 to 1, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section; or
- 5) where the alleged or presumed father has requested that the court determine the existence of a father and child relationship ~~a trial-by-jury~~ in a contested case under subsection (c) of this Section, but only after genetic tests have been ordered and the results have been received in accordance with Section 104.213.

(Source: Amended at 21 Ill. Reg. 104.213, effective July 2, 1993)

Section 160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program

- a) Unless the Department determines there is good cause for failure to cooperate (see Sections 160.35 through 160.45), a custodial parent of

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a non-marital child in a case assigned to either the experimental or the non-experimental treatment group in the Paternity Establishment and Continued Eligibility Demonstration Program under subsection (c) of Section 160.61 must cooperate with the Department's efforts to establish the child's paternity, as required under this Section. If the alleged father is in the home with the custodial parent and included in the assistance unit, both parents must comply with the cooperation requirements.

b) The provisions of Section 160.30, on cooperation with the support enforcement program, shall apply to the cases described in subsection (a) of this Section, unless otherwise provided in this Section.

c) A custodial parent in a case described in subsection (a) of this Section cannot attest to lack of information under subsection (c) of Section 160.30, but must furnish to the Department at the time of the notification required under subsection (d) of this Section a written statement, under penalty of perjury, setting forth the following verifiable information about the alleged father, or, if more than one person is an alleged father, about each such person:

- 1) the name and social security number of the alleged father; or
- 2) the name of the alleged father and at least two of the following items of identifying information related to the alleged father:

- A) date of birth;
- B) address;
- C) telephone number;
- D) name and address of past or present employer;
- E) name and address of union or trade association;
- F) past or present school attended;
- G) names and address of parents;
- H) names and addresses of other relatives or friends;
- I) the manufacturer's model and license number of any motor vehicle owned by the alleged father;
- J) other verifiable information concerning the alleged father, such as information about military service, involvement with the criminal justice or penal systems, receipt of public assistance or unemployment insurance benefits or the existence of professional, occupational or recreational licenses.

d) All custodial parents in the cases described in subsection (a) of this Section shall be notified, in writing, of the cooperation requirements and sanctions for failure to comply with those requirements under this Section during intake, when adding a non-marital child to their grant (including cases where the new child is subject to the family cap under 89 Ill. Adm. Code 112 and 170), or, for existing cases with a non-marital child, at any time beginning with the effective date of this Section.

e) A custodial parent who fails to cooperate, without good cause, at any time during the first six months following the notification required under subsection (d) of this Section, shall be excluded from the

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assistance grant.

f) Non-cooperation---without good cause---that continues beyond the six-month period after the notification required under subsection (d) of this Section or an instance of non-cooperation that occurs after the six-month period following a period during which the custodial parent was deemed to be cooperating (such as failure to appear for a court or administrative proceeding, or failure to submit to or bring the non-marital child in for court or administratively ordered genetic testing) will result in sanctions by the Department as follows:

1) If the custodial parent was sanctioned for failure to furnish identifying information concerning the alleged father or for any other instance of non-cooperation, without good cause, at any time during the first six months following the notification required under subsection (d) of this Section, and non-cooperation continues beyond the end of the six-month period then:

A) beginning with the seventh month following notification, in addition to continued exclusion of the custodial parent from the assistance grant, the non-marital child's portion of the family's cash assistance benefits will be terminated, and the sanction will be removed in the month following the date on which the custodial parent cooperates;

2) If an instance of non-cooperation without good cause occurs after the end of the first six months following the notification required under subsection (d) of this Section, and the custodial parent had not previously been sanctioned for non-cooperation then:

A) the custodial parent will be excluded from the assistance grant, and

B) if the custodial parent then cooperates within the sanction month, the sanction will be removed for the following month; however

C) if the non-cooperation continues through the sanction month, the non-marital child's portion of the family's cash assistance benefits will be terminated beginning the following month, and the sanction will not be removed until the month following the date on which the custodial parent cooperates;

3) If an instance of non-cooperation without good cause occurs after the end of the first six months of the requirement to cooperate following a period during which the custodial parent was deemed to be cooperating, but the custodial parent had, at any earlier time following the notification required under subsection (d) of this Section, been sanctioned for non-cooperation then:

A) in addition to excluding the custodial parent from the assistance grant, the non-marital child's portion of the family's cash assistance benefits will be terminated, and

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B) the--sanctions--will--not--be--removed--until--the--month--following--the--date--on--which--paternity--is--established--unless--it--is--determined--by--the--Department--that--
 it the--custodial--parent--has--provided--the--identifying--information--related--to--the--child's--alleged--father--as--specified--in--subsection--(e)--of--this--Section--and--fully--cooperated--and
 it+ the--failure--to--establish--paternity--is--attributable--to--the--Department--for--reasons--such--as--trial--or--hearing--continuances--or--failure--to--arrange--genetic--testing--or--to--make--findings--after--a--paternity--administrative--hearing--or--to--serve--the--alleged--father--with--process--or--notice--as--provided--by--law.

e)g) The failure of a custodial parent to provide sufficient identifying information about the alleged father, as required under subsection (c) of this Section, shall not be determined to be non-cooperation if:

- 1) the custodial parent has had an assistance grant that includes the non-marital child for at least 10 years prior to the notification provided to the custodial parent under subsection (d) of this Section, and the custodial parent furnishes to the Department a written statement, under penalty of perjury, indicating that she does not know the identifying information about the alleged father because she has had no contact with him since the non-marital child was included in the assistance grant;

or
 2) the custodial parent does not know the required information because:

- A) the custodial parent is developmentally disabled, as documented by a copy of an intelligence quotient test result, or the written statement of a qualified medical practitioner; or

B) the custodial parent is mentally ill, or was mentally ill at the time the non-marital child was conceived, as documented by the written statement of a qualified medical practitioner stating that the nature of the mental illness prevented the person from knowing the required information; or

C) the custodial parent has a history of drug or alcohol abuse, and provides documentation of treatment for such abuse taken at the time the non-marital child was conceived; and

- 3) the custodial parent provides whatever identifying information she does possess about the alleged father.

f) h) All applicants and recipients subject to the provisions of this Section shall have the same appeal rights, including the right to a fair hearing, as any other applicant or recipient notified of an adverse action.

(Source: Amended at 21 Ill. Reg. 16097, effective MAY 24 1997)

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Section 160.65 Modification of Support Obligations

a) Definitions

- 1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.
- 2) "Income Withholding Notice" means the notice served on a payor, pursuant to entry of a court or administrative order for support, that directs the payor to withhold a part of a responsible relative's income for payment of child support. "Order--for--withholding"--means--any--court--or--administrative--order--for--a--payor--to--withhold--a--part--of--a--responsible--relative's--income--for--payment--of--child--support--.
- 3) "Assignment of support" has the meaning set forth in Section 160.5.
- 4) "Assignment of medical support" has the meaning set forth in Section 160.5.
- 5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.
- 6) "Review" means the FSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) below.
- 7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20 percent 20% above or below the existing order for support and the change is an amount equal to at least \$10 \$10.00 a month.

b) Review and Modification of Support Orders

- 1) The Department, beginning October 13, 1993, shall review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:
 - A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in accordance with subsection (b)(3) below, that a review would not be in the best interests of the child and neither parent has requested a review; or
 - B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or
 - C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review; or
 - D) The order is an administrative order for support entered by the Department pursuant to registration of another State's order under Section 160.60(d)(4).
- 2) Prior to the expiration of the 36 month period:

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- A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order if:
- i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and
 - ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and
 - iii) the Department has not determined that a review would not be in the best interests of the child.
- B) The Department, in a case in which there is no assignment of support or assignment of medical support, shall review orders as set forth in subsection (b)(2)(A), but only with the consent of the client.
- C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and such change would materially affect ability to support.
- 3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.
- c) Notice of the Right to Request a Review
- 1) In each Title IV-D case, the Department shall provide a one-time notice not less than once every three years to each parent subject to an order for support in the case. The notice may be included in the order and shall inform the parent of the right to request a review of the order, where to request a review and the information which must accompany a request.
 - 2) The Department shall use the broadcast or print media at least twice a calendar year to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.
- d) Notice of Review
- 1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.
 - 2) The notice of review shall:
 - A) Require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days

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- after the date the client or relative received the notice; and
- B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance, the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).
- e) Information Gathering and Employer Contact
- 1) The Department shall capture all available responsible relative financial information from existing Federal and State sources (e.g., Illinois Department of Employment Security) through electronic data searches on all IV-D cases.
 - 2) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after the relative receives the notice of review, the Department shall send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code [305 ILCS 5/10-3.1]. The notice shall:
 - A) require the disclosure of responsible relative employment information, including but not limited to:
 - i) the period of employment;
 - ii) the frequency of wage payments;
 - iii) gross wages, net pay and all deductions taken in reaching net pay;
 - iv) the number of dependent exemptions claimed by the responsible relative; and
 - v) health insurance coverage available to the responsible relative through the employer.
 - B) require employer compliance within 15 calendar days after the employer's receipt of the notice.
 - 3) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department shall use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.
- f) Review of the Order for Support
- 1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified through an employer, wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.
 - 2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).

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- 3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.
- 4) The FSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are being met through other means. In no event shall the FSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.
- g) Notice of Review Results
The Department shall inform the client and responsible relative of the results of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order within 14 days after the review results are determined. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.
 - 1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:
 - A) The Department will not take action to modify the order for support; or
 - B) The Department will only take action to modify the order to require health insurance for the child covered by the order.
 - C) Either parent may request a redetermination within 30 calendar days after the date of the notice by:
 - i) signing and returning the request for a redetermination to the Department; and
 - ii) providing financial documentation or information concerning the child's health care needs not furnished previously, which will substantiate the request.
 - 2) When the review indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:
 - A) The Department will take action to modify the existing order for support in accordance with the review results.
 - B) In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will have the opportunity to contest the review results at that time.
 - C) In cases where an administrative order for support is entered in accordance with subsection (h) below:
 - i) The client will be advised of the right to request a redetermination within 30 calendar days after the date of mailing of the notice and administrative order for support by signing and returning the request for redetermination to the Department and providing

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- financial documentation or information concerning the child's health care needs not furnished previously which will substantiate the request.
- ii) The responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102.
- iii) Where the client requests a redetermination and the responsible relative requests a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The client shall be advised further of the right to present evidence at the hearing.
- iv) Where the responsible relative requests a hearing and the client does not request a redetermination, the client shall be advised further of the right to present evidence at the hearing.
- v) Where the client requests a redetermination and the responsible relative does not request a hearing, any change shall result in, or have the effect of, the issuance of a new administrative order for support. The responsible relative shall be advised further of the right to request a hearing and the client of the right to present evidence at the hearing.
- 3) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day such request is received by the Department shall be considered as the last day.
- h) Further Actions Taken by the Department
 - 1) The Department shall take the following action when the FSS has determined in accordance with subsection (f) above that the Quantitative Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:
 - A) In a case involving an order for support entered by the court, the FSS shall:
 - i) prepare a petition to modify, and obtain or affix appropriate signature thereto;
 - ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/510); and

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iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) above.

B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this rule, the FSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).

(i) The FSS shall effect income also---enter--an administrative-order--for withholding in accordance with Section 160.60(d)(6).

(ii) The FSS shall provide to the client and responsible relative copies of the administrative order orders for support and-for-withholding together with the notice described in subsection (g)(2)(C) above.

2) In IV-D cases where the client is neither an applicant for nor a recipient of medical assistance, the Department, with the client's consent, shall enter or request the court to enter an order for support requiring the responsible relative to provide health insurance.

3) Upon receipt of a petition for a release from, or modification of, an administrative order for support as described in subsection (g)(2)(C)(ii) within 30 calendar days after the date of mailing of such order, the Department will provide a hearing in accordance with 89 Ill. Adm. Code 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

4) Upon receipt of a request for a redetermination as set forth in subsections (g)(1)(C) and (g)(2)(C)(i) within 30 calendar days after the date of mailing of the notice, the Department shall conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

i) Timeframes for Review and Modification

1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days of October 13, 1993, or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in subsection (b)(1) above.

2) Subsequent determinations about whether to review an order for support in a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) above, at 36 month intervals based upon:

- A) the date the order for support was modified; or
- B) the date an order was entered determining that the order for support would not be modified; or
- C) the date the period expired for requesting redetermination

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of the Department's review decision not to seek modification of the order for support.

3) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) above.

4) Within 180 calendar days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:

- A) send the notice of review in accordance with subsection (d) above;
- B) conduct a review of the order in accordance with subsection (f) above;
- C) send the notice of review results in accordance with subsection (g) above; and
- D) conclude any action to modify the order for support.

j) Interstate Review and Modification

1) Initiating Cases

A) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine, within 15 calendar days of October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later, whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another State.

B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) above, at 36 month intervals based upon:

- i) the date the order for support was modified; or
- ii) the date an order was entered determining that the order for support would not be modified; or
- iii) the date the period expired for requesting redetermination of a review decision not to seek modification of the order for support.

C) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another State.

D) Prior to the expiration of the 36 month period, the Department:

- i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B) above; and
- ii) may review or request another state to review an order for support as provided in subsection (b)(2)(C).

E) The Department shall determine in which state a review should be conducted after considering all relevant factors,

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including but not limited to:

- i) the location of existing order(s);
- ii) the present residence of each party; and
- iii) whether a particular state State has jurisdiction over the parties.

F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C) above, in which the Department has determined to request a review of an order for support in another state State, the Department shall:

- i) send a request for review to that state State within 20 calendar days of receipt of sufficient information to conduct the review and provide that state State with sufficient information on the requestor of review to act on the request; and
- ii) send to the parent in Illinois, a copy of any notice issued by the responding state State in connection with the review and modification of the order, within five 5 working days of receipt of such notice by the Department.

2) Responding Cases

- A) Within 15 calendar days of receipt of a request for a review of an order for support in Illinois as the responding State State, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1).
- B) Within 180 calendar days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) above.

(Source: Amended at 21 Ill. Reg. 16050 effective NOV 26 1997)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) Definitions
The definitions contained in Section 160.60(a) are incorporated herein by reference.
- b) Income Withholding
Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of

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the Code of Civil Procedure [735 ILCS 5/2-1403].

- c) Federal and State Income Tax Refunds and Other State Payments
 - 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act (15 ILCS 405/10.05a)) due such relatives.
 - 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:
 - i) in IV-D TANF AFDC and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
 - ii) in IV-D non-TANF Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.
 - B) the Comptroller to intercept State income tax refunds and other State payments as follows:
 - i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
 - ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral

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for federal income tax refund intercept is based, at the request of the responsible relative; and

D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
- B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.

6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

8) The Department shall notify:

- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;

- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;

- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and

- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

9) The Department shall:

- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and

- B) equitably apportion Joint State income tax refunds and other State payments based upon copies of federal and State income

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tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:

- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF Non-APBE past-due support; and
- B) State income tax refunds and other State payments to satisfy any active IV-D TANF APBE and IV-D foster care assigned past-due support, or first to satisfy active IV-D non-TANF Non-APBE past-due support and then to satisfy any IV-D TANF or AFDC and IV-D foster care assigned past-due support.

11) The Department shall inform individuals who receive IV-D non-TANF Non-APBE support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection (c) will be applied in accordance with Section 160.130;
- B) any payment received by the IV-D non-TANF Non-APBE individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.

d) Unemployment Insurance Benefits

- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.

2) The Department shall take the following action:

- A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
- B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
- C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:

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- i) the amount of the income withholding order; or
- ii) fifty percent (50%) of the Unemployment Insurance Benefit.
- D) receive amounts deducted direct from DES.
- E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
- F) post each collection to the Department's payment record.
- G) apply each collection to the current support obligation, then to past-due obligations.
- H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
 - 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) below.
 - 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
 - B) other legal or administrative remedies are more appropriate under the circumstances.
 - 3) Contempt and other legal proceedings shall be used to:
 - A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;

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- D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
- E) obtain full or partial payment of past due support through incarceration;
- F) ascertain the responsible relative's source and amount of income or location and value of assets;
- G) void a transfer of property fraudulently made to avoid payment of child support;
- H) secure other enforcement relief; and
- I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF APPE in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
- 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- f) Liens Against Real Estate and Personal Property - Judicial Enforcement of Order for Support
 - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 - 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by

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filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).

- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.

g) Liens Against Real Estate and Personal Property - Administrative Enforcement of Order for Support

1) Liens against real estate

A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:

- i) the amount of past-due support is at least \$10,000; and
- ii) the responsible relative has an interest in real estate against which a lien may be claimed.

B) The Department shall prepare a Notice of Lien or Levy that shall be served upon the responsible relative and filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:

- i) the name and address of the responsible relative;
- ii) a legal description of the real estate to be levied;
- iii) the amount of past-due support to be satisfied by the levy;
- iv) the fact that a lien is being claimed for past-due child support owned by the responsible relative; and
- v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

C) A written request for redetermination made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

D) The Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

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E) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from taking action against the real property, if action against the real property had been stayed pursuant to subsection (g)(1)(C) of this Section. The lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that Section 104.103(b) and (c) shall not apply.

G) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

H) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$10,000 in excess of any statutory exemption.

2) Liens against personal property

A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:

- i) the amount of past-due support is at least \$1,000;
- ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
- iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.

B) The Department shall prepare a Notice of Lien or Levy that shall be served upon the responsible relative and either the financial institution in which the account of the responsible relative is located or the sheriff of the county in which the personal property of the responsible relative is located. The notice shall inform the responsible relative and the financial institution or the sheriff of the following:

- i) the name and address of the responsible relative;
- ii) a description of the account or personal property to be levied;
- iii) the amount of past-due support to be satisfied by the levy;
- iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
- v) the right to prevent action against the personal

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property, including accounts, by payment of the last-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy served upon a financial institution shall:

- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
- ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;
- iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
- iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department with the surrendered assets from the levied account.

D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

- i) the amount of assets in the responsible relative's account;
- ii) the amount of the fee to be deducted from the account;
- iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution; and
- iv) the amount of assets surrendered and remitted to the Department.

E) A written request for redetermination made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the personal property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

F) The Department shall provide the responsible relative with a notice of the results of the redetermination and of the

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right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

G) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from taking action against the personal property, if action against the personal property had been stayed pursuant to subsection (g)(2)(E) of this Section. The lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

H) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that Section 104.103(b) and (c) shall not apply.

I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (g).

h)g) Security, Bond or Other Guarantee of Payment

1) Except as provided in subsections (h)(2) (g)(2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].

2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to

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a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

i)†† Past-Due Support Information to Consumer Reporting Agencies

1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:

A) the name, last known address and Social Security Number of the responsible relative; and
B) the terms and amount of past-due support which has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

A) the IV-D case name and identification number;
B) the past-due support amount which will be reported;
C) the date past-due support will be reported; and
D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that

past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

A) a request for
i) a redetermination, or
ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
B) payment in full of the amount of the past-due support stated in the
i) advance notice, or
ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

i)†† Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D Agency of Another State for Administrative Enforcement in the Other State

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1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.

2) The Department may submit past-due support amounts to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:

A) past-due support is owed for a child or for a child and the parent with whom the child is living;

B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (i)(3) ††† of this Section;

C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
D) the responsible relative is not deceased.

3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount which will be submitted for collection;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

4) Factors for a satisfactory repayment plan will include, but are not limited to:

A) the amount of past-due support owed;

B) the amount to be paid toward the past-due amount;

C) the amount of current child support obligations; and

D) the individual's ability to pay.

5) The Department shall provide the Illinois Department of Revenue, or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

A) name;

B) social security number;

C) IV-D identification number; and

D) the past-due support amount.

6) A written request for redetermination made within 15 days after

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the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state.

- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
 - 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (1)(6) of this Section.
 - 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
 - 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
 - 11) The Department shall:
 - A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
 - B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$5,000:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be certified;

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- C) the date past-due support will be certified; and
 - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
 - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
 - 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
 - A) a request for
 - i) a redetermination; or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the
 - i) advance notice; or
 - ii) notice of redetermination or hearing results.
 - 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- l) Other Remedies
- The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.
- (Source: Amended at 21 Ill. Reg. 10050, effective NOV 24 1994)
- Section 160.75 Withholding of Income to Secure Payment of Support
- a) Definitions

The definitions contained in Section 10-16.2(A) of the Illinois Public Aid Code (305 ILCS 5/10-16.2(A)) are incorporated herein by reference.
 - b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice
 - 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by

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law:

- A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and
- B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
- C) the obligor's Social Security Number disclosed to the court as required by law; and
- D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
- 2) The income withholding notice prepared by the Department shall:
- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
- B) direct any payor to withhold the dollar amount required for current support under the order for support; and
- C) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
- D) direct any payor or labor union or trade union to enroll a child as a beneficiary of a health insurance plan and withhold or cause to be withheld, if applicable, any required premium; and
- E) state the amount of the payor income withholding fee as provided by law; and
- F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and
- G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to

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- withhold and pay over income; and
- H) state the rights, remedies, and duties of the obligor, as provided by law; and
- I) include the obligor's Social Security Number; and
- J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) above, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- b) Entry of an Order for Withholding
- 1) Upon entry of any order for support that the Department, through its legal representative, shall request that the court, as required by law, enter a separate order for withholding to take effect immediately, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement approved and entered into the record by the court, which ensures payment of support.
- 2) In a case where an agreement has been approved under subsection (b)(1) above, the Department, through its legal representative, shall request that the court, as required by law, enter an order for withholding which will not take effect unless the obligor becomes delinquent in paying the order for support.
- 3) Upon entry of any order for support if the obligor is not a United States citizen, the Department, through its legal representative, shall request that the court, as required by law, make part of the record in the case the obligor's alien registration number, passport number, and home country's social security or national health number, if applicable.
- 4) The Department shall serve an immediate service order for withholding upon the payor of the obligor within 15 days after the date the order is entered if the payor's address is known on that date or if the address is unknown on that date within 15 days after locating the payor's address.
- 5) Unless the order for withholding provides for immediate service the following conditions must be met before the Department can serve the order for withholding upon the obligor's payor for the first time:
- A) the obligor becomes delinquent in paying the order for support; and
- B) the Department prepares and serves upon the obligor a notice of delinquency pursuant to subsection (d) or
- C) the obligor requests immediate service; or
- D) the provisions of subsection (c) apply.
- 6) The Department, through its legal representative, shall request

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that the order for withholding:

- A) direct any payor to withhold a dollar amount equal to the order for support; and
- B) direct any payor to withhold an additional dollar amount not less than 20% of the order for support until payment in full of any delinquency stated in a notice of delinquency; and
- C) state the rights, remedies and duties of the obligor; and
- B) include the obligor's Social Security Number, which the obligor shall disclose; and
- E) include the date that withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and
- F) be entered, where an order for withholding has not previously been entered, and
- G) remain in effect for as long as the order for support on which it is based.

7) Notwithstanding the provisions of this subsection, at the time of any hearing the Department, through its legal representative, shall request that the court, as required by law, order immediate service of the order for withholding upon the obligor's payor when:

- A) an arrearage has accrued in an amount equal to at least one month's support obligation; or
- B) the obligor is 30 days late in paying all or part of the order for support.

c) Service of Income Withholding Notice

1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within 15 days after the date the order is entered if the payor's address is known on that date, or, if the address is unknown on that date, within 15 days after locating the payor's address. However, notwithstanding the foregoing, if the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act (820 ILCS 405/1801.1), the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

2) The Department may serve the income withholding notice on the payor, its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income

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withholding notice on the obligor by ordinary mail addressed to his or her last known address. Proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.

3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) above, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.

4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor.

e) Notice for Immediate Withholding

1) Where the court has not required that the order for withholding take effect immediately, the Department, pursuant to this subsection, may prepare and serve a notice for immediate withholding upon the obligor by ordinary mail addressed to the obligor at his or her last known address.

2) Where a request for an earlier effective date for withholding that meets the criteria of this subsection has been made by the obligor, the Department shall send the notice for immediate withholding to the obligor within 15 days after the date of the request; or, if the obligor's address is not known on that date, within 15 days after locating the obligor.

3) The notice for immediate withholding shall state:

- A) that the following circumstances have occurred:
 - i) the written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1) above no longer provides for timely payment of all support due; or
 - ii) the obligor has not made timely payments in that the obligor has been at least seven days late in paying all or part of the order for support any of the last six consecutive dates payment were due prior to the date of the notice for immediate withholding;
- B) that a specially certified copy of the order for withholding will be sent to the payor, unless the obligor files a petition contesting immediate withholding within 20 days after service of the notice;
- C) that the grounds for the petition are limited by law to a dispute concerning:
 - i) whether the circumstances stated in the notice have occurred; or
 - ii) the identity of the obligor; and

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- B) that by law it is not grounds for a petition contesting immediate withholding that the obligor has made all payments due by the date of the petition.
- 4) If the court denies the obligor's petition contesting immediate withholding, the Department shall request that the Clerk of the Circuit Court, as required by law, provide the Department with a spectaily certified copy of the order for withholding indicating that the requirements for immediate withholding have been met; the Department shall:
- A) serve the spectaily certified copy of the order for withholding on the payor, its superintendent, manager or other agent by certified mail or personal delivery within 45 days after sending the notice for immediate withholding to the obligor; and
- B) file a proof of service with the Clerk of the Circuit Court.
- 5) After the court hears the obligor's petition contesting immediate service, the Department shall notify the obligor whether or not the withholding is to occur and if it is to occur, include in the notice the time frames within which the withholding will begin and the information served on the payor with the order for withholding pursuant to subsection (1) below.
- 6) If the obligor does not file a petition contesting immediate withholding within the 20-day period, the Department shall:
- A) file with the Clerk of the Circuit Court an affidavit with a copy of the notice for immediate withholding attached thereto stating:
- i) that the notice was duly served upon the obligor;
- ii) the date on which service was effected;
- iii) that the obligor has not filed a petition contesting immediate withholding;
- B) request that the Clerk of the Circuit Court, as required by law, provide to the Department a certified copy of the order for withholding indicating that the requirements for immediate withholding have been met;
- C) serve the order for withholding on the payor, its superintendent, manager or other agent, by certified mail or personal delivery, within 15 days after the end of the 20-day period if the payor's address is known on that date or if the address is unknown on that date, within 15 days after locating the payor's address; and
- B) file a proof of service with the Clerk of the Circuit Court.
- D) Income Withholding After Accrual of Delinquency
- 1) The Department shall prepare and serve an income withholding notice within 15 days after the date the obligor accrues a delinquency if the payor's address is known on that date or, if the address is unknown on that date, within 15 days after locating the payor's address. However, notwithstanding the foregoing, if the payor's address is unknown on the date

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- obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
- 2) An income withholding notice prepared by the Department under subsection (d)(1) above shall:
- A) contain the information required under subsection (b)(2) above; and
- B) contain a computation of the period and total amount of delinquency as of the date of the notice; and
- C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
- D) be served on the payor and the obligor in the manner provided in subsection (c)(2) above.
- 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
- A) a dispute concerning the existence or amount of the delinquency; or
- B) the identity of the obligor.
- 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) above, shall apply only to the initial service of an income withholding notice on a payor of the obligor.
- d) Notice of Delinquency
- i) The Department shall serve a verified notice of delinquency upon the obligor when either of the following occurs:
- A) the obligor becomes delinquent in payment of an amount equal to at least one month's support obligation pursuant to the order for support; or
- B) the obligor is at least 30 days late in complying with all or part of the order for support;
- 2) The notice of delinquency shall be served on the obligor within 15 days after the appropriate date under subsection (d)(1) or if the obligor's address is not known on that date, within 15 days after locating the obligor.
- 3) The notice of delinquency shall contain the following:
- A) the terms of the order for support;
- B) a computation of the period and total amount of the delinquency, as of the date of the notice; and
- C) a statement clearly informing the obligor that the notice of

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delinquency will be sent to the payor, together with a specially certified copy of the order for withholding, unless the obligor takes action as provided for under subsection (e) below.

- 4) The Department shall prepare and serve the notice of delinquency together with a form petition to stay service.
- 5) The Department shall serve the notice of delinquency by ordinary mail addressed to the obligor at his or her last known address.
- 6) The obligor may execute a written waiver of the provisions of subsection (4) through (5) above and request immediate service upon the payor.

e) Initiated withholding

- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) above and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above no longer ensures payment of support, and the reason or reasons why it does not.

- 2) The income withholding notice shall be served as provided in subsection (c)(2) above.

- 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) below (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):

A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above continues to ensure payment of support; or

B) the identity of the obligor.

- e) Procedures to Avoid Income Withholding: Petitions to Stay Service
 - 1) Except as provided in subsection (f) below, the obligor may prevent an order for withholding from being served by the Department by filing a petition to stay service with the Clerk of the Circuit Court within 20 days after service of the notice of delinquency.

- 2) As required by law, the petition to stay service may only dispute:

A) the amount of current support or the existence or amount of

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delinquency stated in the notice of delinquency, or the identity of the obligor.

- f) Initial Service of Order for Withholding

- 1) Where the order for withholding does not provide for immediate service and the provisions of subsections (e) or (g) do not apply, the Department shall follow the provisions of this subsection (f) to serve the order for withholding on the payor. The Department 20 days following service of the notice of delinquency shall file with the Clerk of the Circuit Court an affidavit with a copy of the notice of delinquency attached thereto, stating:

A) that the notice of delinquency has been duly served and the date service was effected;

B) that the obligor has not filed a petition to stay service under subsection (e) above, or in the alternative

C) that the obligor has waived the provisions of subsections (f)(2)(A) and (B) above in accordance with subsection (d)(6) above;

- 3) The Department may request that the Clerk of the Circuit Court as required by law:

A) make available any record of payment;

B) determine that the court file contains a copy of the affidavit described in subsection (f)(3) and

C) provide a specially certified copy of the order for withholding and notice of delinquency indicating that the preconditions for service have been satisfied;

- 4) The Department shall serve the notice of delinquency and order for withholding on the payor, its superintendent, manager or other agent by certified mail or personal delivery. A proof of service shall be filed with the Clerk of the Circuit Court.

- 5) Where the obligor has not filed a petition to stay service within 20 days after service of the notice of delinquency, the Department shall serve the order for withholding and notice of delinquency upon the payor within 15 days after the end of the 20 day period, or if the payor's address is unknown on that date within 15 days after locating the payor's address.

- g) Subsequent Service of an Order for Withholding

1) The Department shall serve an order for withholding upon any payor of the obligor without further notice to the obligor when either of the following occur:

A) at any time after the court has ordered immediate service of an order for withholding, or

B) when an order for withholding, which does not provide for immediate service, has previously been served upon a payor of the obligor pursuant to subsection (f) above.

- 2) The Department shall request that the Clerk of the Circuit Court as required by law provide specially certified copies of the order for withholding or the notice of delinquency or both

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whenever:

- A) the court ordered immediate service of an order for withholding or
- B) an affidavit has been placed in the court file indicating that the preconditions for service have previously been met or that the requirements for immediate withholding under subsection (e) above have been previously met;
- 3) the Department shall serve the order for withholding on the payor; its superintendent, manager or other agent by certified mail or personal delivery;
- 4) the Department shall file a proof of service with the clerk of the Court;
- 5) the Department shall provide notice to the payor of any payments that have been made through:
 - A) previous withholding or
 - B) any other method;
- 6) if a delinquency has accrued for any reason, the Department may serve the notice of delinquency separately from the order for withholding:
 - A) upon the obligor by utilizing the procedures set forth in subsection (d) above; and
 - B) upon the payor by utilizing the procedures set forth in subsection (f) above;
- 7) the obligor may petition the court to stay service of a separate notice of delinquency by utilizing the procedures set forth in subsection (e) above;
- h) Petition to Stay Service of Order for Withholding
 - i) Except as provided in subsection (g) above, when an obligor files a petition to stay service within the 20-day period specified in subsection (e) above, the Department shall not serve the order for withholding upon the obligor's payor until such time as the court:
 - A) enters an order:
 - i) granting or denying relief,
 - ii) amending the notice of delinquency, or
 - iii) otherwise resolving the matter;
 - B) orders immediate service of the order for withholding after a finding that at the time the notice of delinquency was served upon the obligor:
 - i) a delinquency existed in an amount of at least one month's support obligation; or
 - ii) that the obligor was at least 90 days late in paying all or part of the order for support;
- 2) Where a dispute over the amount of delinquency cannot be promptly resolved, the Department, through its legal representative, may request that the court order immediate service of the order for withholding as to any undisputed amounts specified in an amended notice of delinquency and continue the hearing on the disputed

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amounts:

- 3) If the court denies the obligor's petition to stay service, the Department shall request that the clerk of the circuit court provide the Department with specially certified copies of the order for withholding and notice of delinquency. The Department shall:
 - A) serve the specially certified copies of the order and notice on the payor, its superintendent, manager or other agent by certified mail or personal delivery within 45 days after serving the notice of delinquency on the obligor; and
 - B) file a proof of service with the clerk of the circuit court.
- 4) After the court hears the obligor's petition to stay service, the Department shall notify the obligor whether the withholding is to occur and if it is to occur, include in the notice the time frames within which the withholding will begin and the information served on the payor with the order for withholding pursuant to subsection (f) below.
- f) Petition to Modify, Suspend or Terminate an Order for Withholding
 - 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income order for withholding notice because of a modification, suspension, or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income order for withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
 - 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) above by certified mail or personal delivery, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
 - 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) above shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) above by certified mail, and a copy shall be provided to the obligor and the obligee. A copy of the notice shall be filed with the clerk of the circuit

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Court-

g) Additional Duties

- 1) When the Department is no longer authorized to receive payments for the obligee, it shall, within seven days, notify the payor or, where appropriate, the Clerk of the Circuit Court, to redirect income withholding payments to the obligee.
- 2) The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
 - A) an offset under federal or State law; OR
 - B) a partial payment of the delinquency or arrearage or both. ⁷

or

or

- h) Alternative Procedures for Service of an Income Withholding Notice
 - 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) above, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
 - B) The obligor has accrued a delinquency after entry of the most recent order for support.

- 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) above, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.

- 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) above. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.

- k) Alternative Procedures for Entry and Service of an Order for Withholding
 - 1) Where an order for withholding has not previously been entered in a case for any reason the Department shall prepare and serve an order for withholding based upon the last order for support entered when:
 - A) the obligor has become delinquent in payment of an amount equal to at least one month's support obligation pursuant to the last order for support; or

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- B) the obligor is at least 30 days late in complying with all or part of the order for support;
- 2) Before the order for withholding can be served upon the obligor's payor under this subsection, the Department must:
 - A) prepare a proposed order for withholding for immediate service except that the payment of any delinquency shall be limited to 20% of the amount under the order for support;
 - B) prepare a notice of delinquency as provided by subsections (d)(1) and (2) above, except the notice shall state further that the order for withholding has not been entered by the court and the conditions under which the order will be entered; and
 - C) serve the notice of delinquency and form petition to stay service as provided by subsection (d)(3) above, together with the proposed order for withholding marked "Copy-Only".
- 3) After 20 days following service of the notice of delinquency and proposed order for withholding in lieu of the provisions of subsection (c) above, the Department shall file with the Clerk of the Circuit Court an affidavit with a copy of the notice of delinquency and proposed order for withholding attached thereto, stating that:
 - A) the notice of delinquency and proposed order for withholding have been served upon the obligor and the date service was effected;
 - B) the obligor has not filed a petition to stay service within 20 days after service of such notice and order; and
 - C) the proposed order for withholding accurately states the terms and amounts contained in the last order for support.
- 4) Upon the court entering an order for withholding under this subsection and upon receipt from the Clerk of the Circuit Court of a specially certified copy of the order for withholding and the notice of delinquency indicating that the preconditions for service have been met, the Department shall:
 - A) serve the specially certified copies of the order for withholding and the notice of delinquency on the payor's supervisor, manager or other agent by certified mail or personal delivery; and
 - B) file a proof of service with the Clerk of the Circuit Court; the Department shall serve the order for withholding and notice of delinquency on the payor.
- 5) Within the time period specified in subsection (f)(5) above where the obligor has not filed a petition to stay service or
 - B) within the time period specified in subsection (h)(3) above where the court denies the obligor's petition to stay service;
- 6) If the obligor requests in writing that income withholding become effective immediately under this subsection, the Department

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shall:

- A) ~~file an affidavit with the Clerk of the Circuit Court, with the proposed order for withholding attached stating that:~~
 i) ~~the proposed order for withholding accurately states the terms and amounts contained in the last order for support; and~~
 ii) ~~the obligor's request for immediate service~~
 B) ~~serve the order for withholding pursuant to subsection (k)(4), except that a notice of delinquency shall not be required.~~

1) Notice to Payor

Whenever the Department serves an income order for withholding notice on a payor, notice of the following shall be included in or with the income withholding notice order:

- 1) that the payor must begin deducting no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding order and any notice was mailed, sent by facsimile or other electronic means, to the payor by certified mail or placed for personal delivery to or service on the payor;
- 2) that the payor must pay the amount withheld to the obligee or public office, as the case may be, within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor ten days after the date income is paid to the obligor in accordance with the order for withholding and any subsequent notification received from the Department redirecting payments;
- 3) that if the payor knowingly fails to pay any amounts withheld within seven business days after the date the amount would have been ten days after the date income is paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the withheld amount is not paid to the obligee or public office after the period of seven business ten days has expired;
- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the obligee or public office, at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor income was paid from which support was withheld;
- 6) that upon receipt of an income order for withholding notice requiring that a minor child be named as a beneficiary of a health insurance plan available through an employer, labor union or trade union, that the employer or labor union or trade union must:
 - A) immediately enroll the minor child as a beneficiary in the

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health insurance plan designated by the income withholding notice order;

- B) withhold or cause to be withheld, if applicable, any required premium and pay over any amounts so withheld to the insurance carrier in a timely manner;
- C) mail to the obligee, within 15 days after enrollment or upon request, notice of the date of coverage, information on the dependent coverage plan, and all forms necessary to obtain reimbursement for covered health expenses, such as would be made available to a new employee;
- D) when an order for dependent coverage is in effect and the insurance coverage is terminated or changed for any reason, notify the obligee within ten days after the termination or change date along with notice of conversion privileges;
- 7) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- 8) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act;
- 9) that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income order for withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
- 10) that withholding of income under the income order for withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
- 11) that the income order for withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
- 12) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income; and
- 13) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income order for withholding notice and any notice of delinquency that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
- 14) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments, and that if there is any income available for withholding after withholding for all current support obligations, the payor shall allocate the income to past due support payments ordered in non-TANF matters and then

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- to past due support payments order in TANF matters, both on a proportionate share basis; and
- 15) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.

1) Notice to Obligor

When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:

- 1) that income withholding has commenced;
- 2) the information provided to the payor under subsection (i) above;
- 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) above, as applicable;
- 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency.
- 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days of the change; and
- 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.

k) Penalties

In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income-specific-certified-order-for withholding and any notice of delinquency, or otherwise fails to comply with any income withholding duties imposed by law, the

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Department, through its legal representatives, may request that the court:

- 1) enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
- 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.

1) Interstate Income Withholding

Within the timeframes specified in subsection (c)(1) above, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.

n) Obligor-Employed in Another State

- i) Within 20 days after determining that income withholding is required in a case in which the obligor is employed in another state, and, if appropriate, receipt of any information necessary to carry out withholding, the Department shall notify the agency of the state in which the obligor is employed to implement interstate withholding.

2) The notice to the other state's IV-D agency shall include:

- A) the IV-D case name and identification number;
- B) the names and birthdates of the persons for whom support is ordered;
- C) a certified copy of the order for support with all modifications;
- D) a certified copy of an order for withholding, if any, still in effect;
- E) a certified copy of the payment record, if there is no payment record, an affidavit attesting to the amount of arrearage, if any, which has accrued under the order for support;
- F) the name and address of the obligor and his or her social security number, if known;
- G) the name and address of the obligor's payor; and
- H) the amount requested to be withheld from the obligor's income.

m) Refund of Improperly Withheld Amounts

The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended at 21 Ill. Reg. 10, effective 1/1/94)

Section 160.77 Certifying Past Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies

- a) Pursuant to routine data sharing agreements, the Department may receive from State licensing agencies information relating to license

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applications and renewals for purposes of identifying responsible relatives who are delinquent in complying with a support order or who have failed to comply with a subpoena or warrant in a paternity or child support hearing and have or are applying for a license or renewal of a license.

- b) The Department shall certify to State licensing agencies past-due support owed by a responsible relative under a support order entered by a court or administrative body of this or any other state or failure to comply with a subpoena or warrant when the responsible relative has or is applying for a license.
- c) The Department and the State licensing agency shall provide the responsible relative with a joint notice of intended action prior to the Department certifying the past-due support information or failure to comply with a subpoena or warrant to the agency. The notice and any hearing shall be governed by 89 Ill. Adm. Code Section 104.200 et seq.
- d) The Department shall be stayed from certifying information to a State licensing agency until a final administrative decision has been made by the Department.
- e) The responsible relative can prevent certification and disciplinary action by payment in full of the past-due support amount or by entering into a payment plan acceptable to the Department. Factors for an acceptable payment plan will include but are not limited to:
 - 1) the amount of past-due child support owed;
 - 2) the amount of current child support obligations being paid; and
 - 3) the individual's ability to pay.
- f) The responsible relative can prevent certification and disciplinary action by complying with the subpoena or warrant in the paternity or child support proceeding.

(Source: Amended at 21 Ill. Reg. 1000.00, effective July 2, 1994.)

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section 160.90 Earmarking Child Support Payments

- a) Child support payments may be earmarked for the needs of a specific child or set of children. "Earmarking" refers to:
 - 1) the restriction of the use of all or a portion of the child support payments for:
 - A) children receiving Supplemental Security Income (SSI); and
 - B) children not eligible to receive TANF APBE for reasons other than sanctions.
 - 2) the caretaker relative's (see 89 Ill. Adm. Code 101.20) election to exclude children who are not siblings of other children receiving TANF APBE from the TANF APBE assistance unit and restrict the use of a portion of the child support payments for

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the use of those children. "Siblings" means children born to or adopted by the same parents or having one parent in common (i.e., brother/sister, half-brother/half-sister, but not including step-brothers or step-sisters).

- b) Optional Earmarking Assistance Units

In an optional earmarking assistance unit, a caretaker relative may request that child support payments be earmarked for the needs of a specific child or set of children not required to be included in the standard filing unit (see 89 Ill. Adm. Code 112.300 (b)).

 - 1) An optional earmarking assistance unit consists of a TANF APBE assistance unit:
 - A) in which a child support order has been entered for one or more children in the assistance unit;
 - B) the children included in the child support order are not blood-related siblings to the other children receiving TANF APBE; and
 - C) the caretaker relative elects to earmark support for the children.
 - 2) A Department staff must advise TANF APBE caretaker relatives of the Department's optional earmarking policy:
 - A) during the TANF APBE application process;
 - B) when redetermining eligibility for the TANF APBE assistance unit; or
 - C) when the caretaker relative contacts the caseworker to discuss earmarking child support payments.
 - 3) B) Whenever a caretaker relative contacts a caseworker about optional earmarking, the caseworker will schedule an appointment for the caretaker relative within seven (7) business days of the contact. At the appointment, the caseworker will:
 - A) explain the advantages and disadvantages of earmarking child support payments;
 - B) inform the caretaker relative of the time standards for effecting redirection of the child support payments as well as the time lags involved in reapplication for TANF APBE;
 - C) provide the caretaker relative with a handout containing information on earmarking child support payments; and
 - D) give the caretaker relative the form that he/she must use to request earmarking, if the caseworker determines that the caretaker relative is eligible for optional earmarking. Additionally, the caseworker will inform the caretaker relative that she may sign and submit the form immediately or at any time.
 - 4) 3) If a caretaker relative elects to earmark child support for one or more children in the household, the earmarked child(ren) will be deleted from the grant in the second fiscal month after the date the caretaker relative submits the written request. (Note: "Fiscal month" refers to a month that starts with a given day in one calendar month and ends the day before the same given

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day in the next calendar month, e.g., July 8 through August 7. In this case, the "given day" is the day the caretaker relative submits the written request to the Department. The caretaker relative is entitled to the earmarked support received by the Department beginning the first day of the calendar month the deletion is effective. The earmarked child support will be forwarded to the caretaker relative within 21 twenty-one days after of the Department's receipt of the earmarked support. The excluded child's share of the support payment will not be considered available to the remaining assistance unit members when determining initial or continued eligibility for TANF APBE or benefit level.

5) If the caretaker relative requests to add an earmarked child back to the TANF APBE grant, the Department shall render a decision on the eligibility of the child being added within 45 forty-five days after of the date of the written request. However, if the child is determined eligible for TANF APBE, benefits will be authorized from the date the written request was received by the Department or the date of initial eligibility after the date of the written request.

6) A caretaker relative shall not exercise an earmarking option more than once in a 12 twelve month period for any child or set of children (i.e., until 12 twelve months have passed from the effective month of deletion).

c) Allocation Assistance Unit

In an allocation assistance unit, a caretaker relative may request that child support payments be earmarked for the needs of a specific child or set of children who are 18 years of age or older or otherwise ineligible for TANF APBE cash assistance for reasons other than receipt of SSI or sanctions.

1) An allocation assistance unit consists of a TANF an--APBE assistance unit:

A) where the child support order applies only to an ineligible child; or

B) in which:

i) a child support order has been entered for two or more children; and

ii) at least one of the children included in the child support order is receiving TANF APBE; and

iii) at least one of the children included in the child support order is ineligible for TANF APBE for reasons other than sanctions or receipt of SSI (e.g., children in the child support order who are not living with the TANF APBE unit, or children 18 or older in the home who are not eligible for TANF APBE cash assistance).

2) Where the child support order also applies to other children in the household who are receiving TANF APBE benefits, and the order explicitly allocates the child support payment between or among

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the children, the Department will forward to the ineligible child's current adult caretaker, or to the child if emancipated, that portion of the child support payment allocated to the child who is not in the grant, and will not consider the support paid to the ineligible child available to the remaining assistance unit members when determining initial or continued eligibility for TANF APBE or benefit level.

3) Where the child support order applies to other children in the household who are receiving TANF APBE benefits, and the order does not allocate the amounts to be paid to each child, the Department will allocate the child support order between or among the children on a pro-rata basis (if the case is being referred for judicial action, will instruct IV-D attorneys to seek such pro-rata allocation from the court) and forward the ineligible child's support payment to the child's current adult caretaker, or to the child if emancipated. 4)

A) Department staff must advise TANF APBE caretaker relatives of the Department's policy for allocation assistance units and that the caretaker relative may earmark support for the ineligible children:

i) During the TANF APBE application process;

ii) when redetermining eligibility for the TANF APBE assistance unit; or

iii) when the caretaker relative contacts the caseworker to discuss earmarking child support payments.

B) Department staff will advise the caretaker relative of the following:

i) of the pro-rata allocation policy;

ii) of how the caretaker relative may request such allocation; and

iii) that the caretaker relative may obtain his/her own counsel and seek a different allocation of the child support order.

C) Additionally, Department staff will:

i) provide the caretaker relative with a handout containing information on earmarking child support payments; and

ii) give the caretaker relative the form that he/she must use to request earmarking. Additionally, the caseworker will inform the caretaker relative that she may sign and submit the form immediately or at anytime.

4) The Department will pro-rate the child support order unless or until an allocated order is entered. The caretaker relative is entitled to the earmarked support beginning the calendar month the child is removed from the grant, if currently receiving TANF APBE, or, if the child is not currently receiving TANF APBE, for the calendar month following the month the request for earmarking is made. The earmarked child support will be forwarded to the

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caretaker relative within ~~twenty-one~~ 21½ days of the Department's receipt of the earmarked support.

5) 6) When the ineligible child is not living with the TANF APBE assistance unit, the caretaker relative must provide the Department with the child's current address, and must authorize payment to the custodial adult with whom the child is living, or to the child if living independently.

d) SSI Children

1) Earmarking child support payments for an SSI child is mandatory when there is a TANF an-APBE assistance unit:

A) in which a child support order has been entered for two or more children;

B) at least one of the children included in the child support order is receiving SSI; and

C) at least one of the children included in the child support order is receiving TANF APBE.

2) If the child support order only applies to the SSI child, the Department will not consider the support paid for the SSI child available to the remaining assistance unit members when determining initial or continued eligibility for TANF APBE or benefit level.

3) Department staff will review TANF APBE cases at the following times to identify SSI children to determine if the case is eligible for earmarking:

A) during the TANF APBE application process;

B) when redetermining eligibility for the TANF APBE assistance unit;

C) when deleting a child from the assistance unit because of receipt of SSI; or

D) whenever the caseworker discovers there is a SSI child for whom earmarking is mandatory.

4) Informing Caretaker Relatives

A) Whenever an SSI household contacts the Department or is identified by the Department (see Section 160.90(b)(2) above), the Department will immediately inform the caretaker relative of:

- i) of the pro-rata allocation policy for SSI children; and
- ii) that the Department will pro-rate ~~pro-rata~~ the terms of the support order unless the caretaker relative chooses to obtain his/her own counsel and seek an allocation providing a greater share of the child support order for the SSI child.

B) Additionally, Department staff will provide the caretaker relative with a handout containing information on earmarking child support.

5) The caretaker relative is not required to make a request or submit any authorization to earmark support for an SSI child.

e) Any TANF APBE household aggrieved by the Department's action or

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inaction with regard to the policy set forth in this Section rule can file a notice of appeal in accordance with 89 Ill. Adm. Code 102.70, 102.80, 102.82 and 104:Subpart A.

(Source: Amended at 21 Ill. Reg. 1330, effective May 2, 2000)

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.100 Distribution of 06 Child Support for TANF For-APBE Recipients

a) For the purposes of distribution under this Section, amounts collected shall be treated first as payment on the required support obligation for the month in which the child support was collected and if any amounts are collected which are in excess of such amount, these excess amounts shall be treated as amounts which represent payment on the required support obligation for previous months. "Date of collection" shall be as defined in Section 160.5.

b) Child support payments which are received by the Department for a month in which a client is a TANF an-APBE recipient shall be distributed as follows:

1) Pass Through: Of any amount that is collected in a month which represents payment on the required support obligation for that month, the first \$50 \$50-00 of such amount shall be paid to the family. One payment will be forwarded to the family within 15 fifteen-45½ calendar days of the date of initial receipt in the State (see Section 160.5) of the first \$50 of support collected in a month, or, if less than \$50 is collected in a month, within 15 fifteen-45½ calendar days of the end of the month in which the support is collected. This payment will be disregarded when determining eligibility for TANF APBE and the amount of the TANF APBE grant. However, when there is a served income ~~order~~ of withholding notice and the payor of income transmits multiple months of support in a lump sum, the family shall receive the first \$50 of each month of support withheld. If the amount collected includes payment on the required support obligation for a previous month or months, the family shall only receive the first \$50 \$50-00 of the amount which represents the required support obligation for the month in which the support was collected. If amounts are collected for a single filing unit (see 89 Ill. Adm. Code 112.300(b)) which represent support payments from two or more responsible relatives, only the first \$50 \$50-00 of the amount collected which represents the total required support obligation for the month in which the support was collected shall be paid to the family under this subsection. No payment shall be made to a family under this subsection for a month in which there is no child support collection.

2) Reimbursement of Current TANF APBE: If the amount of child

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support collected in a month on behalf of a TANF an-APBE recipient exceeds the amount to be paid to the family pursuant to subsection (b)(1), the excess shall be retained by the Department to reimburse the Department for the assistance payment for the month in which the support was collected or the next month.

- 3) Current Excess: If the amount of child support collected in a month on behalf of a TANF APBE recipient exceeds the amount to be distributed pursuant to subsections (b)(1) and (b)(2) above, the family shall be paid such excess up to the difference between the TANF APBE grant for the month in which the amount of the collection was used to redetermine eligibility for TANF APBE and the amount ordered for that month. If such court ordered amount is less than the TANF APBE grant, no amount shall be paid to the family under this subsection. In those cases where there is no court order, the family shall not be paid any amount under this subsection.

- 4) Reimbursement of Past AFDC or TANF: If the amount of child support collected in a month on behalf of a TANF an-APBE recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(3) above, any such excess shall be retained by the Department as reimbursement for past assistance payments made to the family for which the Department has not been reimbursed. The Department will apply the amount retained to any sequence of months for which the Department has not yet been reimbursed. If past assistance payments made to the family are greater than the unpaid support obligation, the maximum amount the Department can retain as reimbursement for such assistance payments is the amount of such obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the family received assistance, in which case such amounts can be retained by the Department to reimburse the difference between such support obligation and such assistance payments.

- 5) Past Excess: If the amount of child support collected in a month on behalf of a TANF an-APBE recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(4) above, such excess shall be paid to the family.

- c) If an amount collected as support represents payment on the required support obligation for future months, the amount collected shall be applied to such future months. However, no such amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned for the current month and all past months.

- d) Identification of Child Support Payment: Any support payment issued to the family under subsection subsections (b)(3) or (b)(5) above shall be identified on its face as being for child support.

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(Source: Amended NOV 2, 1994 at 21 Ill. Reg. 1005, effective 1005)

Section 160.110 Distribution of 06 Child Support for For Former AFDC or TANF Recipients Who Continue to to Receive Child Support Enforcement Services

Child support payments which are received by the Department on behalf of a former AFDC or TANF recipient who continues to receive child support enforcement services, shall be distributed in accordance with the provisions of subsections (a) through (e) below.

- a) Current Support: Upon cancellation of TANF or AFDC, a client's assignment of support ceases (see Section 160.20), except with respect to the amount of any unpaid support obligation that has accrued under such assignment. For any month in which a client is not a TANF or AFDC recipient, regardless of whether such client continues to receive child support enforcement services, the client is entitled to the amount of current support paid for that month, up to the amount of the monthly support obligation for that month. Current support payments to former AFDC or TANF recipients who do receive child support enforcement services from the Department shall be issued within 15 fifteen-~~15~~ calendar days after of initial receipt in the State.

- b) Unpaid Current Support Accrued Following Cancellation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who receives child support enforcement services exceeds the amount of current support distributed pursuant to subsection (a) above, the client shall be paid any such amount, up to the unpaid current support obligation which has accrued for any month following cancellation of the client's AFDC or TANF case in which the client received child support enforcement services. Such payments to former AFDC or TANF recipients shall be issued within 15 fifteen-~~15~~ calendar days after of initial receipt in the State.

- c) Unreimbursed AFDC or TANF: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a) and (b) above, the excess shall be retained by the Department to reimburse it for past unreimbursed AFDC or TANF. If the unpaid support obligation is greater than the past unreimbursed AFDC or TANF, then the maximum reimbursement amount is the amount of reimbursed AFDC or TANF the Department has provided. If the past unreimbursed AFDC or TANF is greater than the unpaid support obligation, then the maximum reimbursement amount is the amount of the unpaid support obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, in which case such amounts will be retained by the Department to reimburse the difference between such support obligation and such past unreimbursed AFDC or TANF.

- d) Past Excess: If the amount of child support collected in a month on

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benefit of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a), (b) and (c) above, the excess, up to the amount of the unpaid support obligation, including the unpaid obligation for months prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, shall be paid to the client. Such payments to former AFDC or TANF recipients shall be issued within 15 fifteen calendar days after of initial receipt in the State.

- e) Amounts In Excess of the Child Support Obligation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who continues to receive child support enforcement services exceeds the amount to be distributed pursuant to subsections (a), (b), (c) and (d) above, the excess shall be refunded to the responsible relative.
- f) Identification of Child Support Payment: Any support payment issued by the Department to a former AFDC or TANF recipient under this Section shall be identified on its face as being a child support payment.

(Source: Amended at 21 Ill. Reg. 1603, effective July 2, 1993.)

Section 160.120 Distribution of ~~OF~~ Child Support Collected While the ~~the~~ Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the ~~At~~ ~~the~~ Time the AFDC or TANF Case Is Cancelled

Child support payments which are received by the Department in a month in which a client is a current AFDC or TANF recipient, but which have not been distributed when the client's AFDC or TANF case is cancelled shall be distributed in accordance with Section 160.100. Any amounts owed to former AFDC or TANF recipients pursuant to such distribution shall be issued by the Department in accordance with the following timeframes:

- a) Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(1) ("Pass Through") shall be issued in accordance with that Section.
- b) Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(3) ("current excess") shall be issued within 15 fifteen calendar days of the date of initial receipt in the State of a collection for the first month of ineligibility.
- c) Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(5) ("past excess") shall be issued within 15 fifteen calendar days of the date of the initial receipt in the State of a collection for the first month of ineligibility.

(Source: Amended at 21 Ill. Reg. 1603, effective July 2, 1993.)

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Section 160.130 Distribution of ~~OF~~ Intercepted Income Tax Refunds and Other State Payments

The Department shall as promptly as possible apply collections it receives as a result of intercept of State and Federal income tax refunds and other State payments under Section 160.70 only against the past-due support amount specified in the advance notice provided the responsible relative (see Section 160.70(c)(3)).

- a) Federal income tax refunds shall be applied first to satisfy any IV-D AFDC, IV-D TANF or IV-E foster care assigned past-due support and then to satisfy any IV-D ~~non-TANF~~ ~~Non-APBE~~ past-due support.
- b) State income tax refunds and other State payments shall be applied to satisfy any active IV-D ~~TANF~~ ~~APBE~~ and IV-E foster care assigned past-due support, or first to satisfy active IV-D ~~non-TANF~~ ~~Non-APBE~~ past-due support and then to satisfy any IV-D AFDC, IV-D TANF and IV-E foster care assigned past-due support.
- c) The Department shall send payments made to a IV-D client or DCFS as a result of the intercept of Federal or State income tax refunds and other State payments within 30 thirty calendar days after of initial receipt by the Department, except as described in subsection (d) below.
- d) When a responsible relative initiates the review process under Section 160.70(c)(3)(C) between ~~it~~ the date of the tax refund intercept and ~~it~~ the date the Department disburses the intercepted funds or the 30th calendar day after the Department's receipt of such funds, whichever first occurs, the Department shall send any funds determined to be due the IV-D client or DCFS within 15 fifteen calendar days after the review process concludes.
- e) If the Department is notified by the federal Office of Child Support Enforcement that an intercept to satisfy IV-D ~~non-TANF~~ ~~non-APBE~~ past-due support is being made from a refund based on a joint return, the Department may delay distribution of the federal tax refund intercept ~~it~~ until it is notified that the unobligated spouse's proper share of the refund has been paid or ~~it~~ for a period not to exceed 6 months from notification of the intercept, whichever first occurs.

(Source: Amended at 21 Ill. Reg. 1603, effective July 2, 1993.)

Section 160.132 Distribution of Child Support for ~~Non-TANF~~ ~~Non-APBE~~ Clients

Child support payments which are received by the Department on behalf of a client who has never been an AFDC or TANF recipient shall be distributed in accordance with the timeframes and provisions of subsections (a) ~~a~~ through (c) ~~c~~ below.

- a) Current support: The Non-Assistance client is entitled to receive an amount of money equal to the monthly support obligation amount that is

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collected for current support. The entire amount of the current support collected shall be sent to the client within 15 fifteen calendar days from the date of initial receipt in the State.

b) Past support: Any amount in excess of the current support obligation is applied to past support owed the non-TANF non-APBE client and shall be sent to the client within 15 fifteen calendar days from the date of initial receipt in the State.

c) Future support: If an amount collected as support represents payment on the required support obligation for future months, the amount collected shall be applied to future months and shall be sent to the client within 15 fifteen calendar days from the date of the initial receipt in the State.

(Source: Amended at 21 Ill. Reg. 160.136, effective 4/1/92)

Section 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases

a) For purposes of distribution under this Section, amounts collected in IV-E foster care maintenance cases shall be treated in accordance with the provision of Section 160.100(a).

b) The amounts collected as support by the Department on behalf of children for whom the State is making IV-E foster care maintenance payments and for whom an assignment is effective shall be distributed as follows:

1) Reimbursement of current IV-E foster care maintenance: The amount of child support that is collected in a month which represents payment on the required support obligation for that month shall be forwarded to DCFS and retained by DCFS to reimburse itself for IV-E foster care maintenance payments.

2) Current excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the monthly amount of the IV-E foster care maintenance payment but not more than the monthly support obligation, the Department shall pay within 15 fifteen calendar days after of the date of initial receipt in the State the excess to DCFS which will use the money in the best interests of the child.

3) Reimbursement of past IV-E foster care maintenance: If the amount of child support collected in a month on behalf of a foster care dependent exceeds the amount required to be distributed under subsections (b)(1) and (2) above, but not the total unreimbursed IV-E foster care maintenance payments or unreimbursed AFDC or TANF provided, the Department and DCFS shall retain any such excess as reimbursement for these payments. If past assistance or IV-E foster care maintenance payments are greater than the total support obligation owed, the maximum amount the Department or DCFS may retain as reimbursement for

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such payments is the amount of such obligation. If amounts are collected which represent the required support obligation for periods prior to the first month in which the family received AFDC, TANF or IV-E foster care maintenance payments, such amounts may be retained by the Department and DCFS to reimburse the difference between such support obligation and such payments.

4) Past excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the amount required to be distributed pursuant to subsections (b)(1) b(1) through b(3) (3), such excess shall be paid within 15 fifteen calendar days after of the date of initial receipt in the State to DCFS and used in the best interests of the child.

5) Future support: If an amount collected as support represents payment on the required support obligation for future months, the amount shall be applied to those future months. However, no amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned for the current and all past months.

c) When DCFS ceases making IV-E foster care maintenance payments, the assignment of support rights terminates except for the amount of any unpaid support that has accrued under the assignment. The Department shall attempt to collect such unpaid support. Any collection made by the Department under this subsection shall be distributed in accordance with subsection (b)(3) of this Section.

(Source: Amended at 21 Ill. Reg. 160.136, effective 4/1/92)

Section 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

For purposes of distribution under this Section, child support amounts collected in Medical Assistance No Grant Cases, in which the caretaker relative has never received AFDC or TANF payments benefits, shall be treated in accordance with the provisions of Section 160.132. For Medical Assistance No Grant Cases in which the caretaker relative received AFDC or TANF payments benefits, distribution shall be treated in accordance with the provisions of Section 160.110.

(Source: Amended at 21 Ill. Reg. 160.138, effective 4/1/92)

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140 Statement of Child Support Account Activity

The Department will send to each TANF APBE recipient and each former AFDC or TANF recipient a "Statement of Child Support Account Activity ("Notice")", in

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accordance with the provisions of subsections (a) through ~~the~~ (c) below.

- a) Notice Sent Monthly to ~~TANF~~ ~~to AFDC~~ Recipients
 - 1) The Department will send a notice monthly to each ~~TANF~~ ~~AFDC~~ recipient for whom a IV-D accounts receivable has been established. This notice will include the following information for the third previous month:
 - A) the terms of each support order, the support order number, and beginning date of each support order;
 - B) the account balance of each support order for the reporting month;
 - C) total amount paid in the reporting month under each support order;
 - D) identification of the reporting month;
 - E) total payments received for all support orders for the reporting month;
 - F) the amount of unreimbursed assistance;
 - G) the distribution of support payments for the ~~(11)~~ ~~eleven~~ ~~four~~ month period for which distribution is complete, including:
 - i) the amount of support received;
 - ii) ~~TANF~~ ~~AFDC~~ grant amount;
 - iii) amount of support paid to the client as current, Pass Through and excess;
 - iv) the amount of support retained to reimburse the Department;
 - v) the amount of support applied to future obligations; and
 - H) the means by which a ~~TANF~~ ~~an AFDC~~ recipient can obtain additional information concerning her child support account and/or can appeal the Department's determination.
 - 2) The notice will also contain an insert setting forth the Department's policy on earmarking income pursuant to Section 160.90.
 - b) Notice Sent to ~~to~~ Former AFDC or TANF Recipients in the ~~in--the~~ First and Second Month Following Case Cancellation

For two ~~two~~ consecutive months following the month of AFDC or TANF cancellation, the Department will send to each former AFDC or TANF recipient for whom a IV-D accounts receivable has been established, a notice which includes the following information for her case:

 - 1) the effective month and year of AFDC or TANF cancellation;
 - 2) the terms of each support order, the support order number, and beginning date of each support order;
 - 3) total amount paid in the reporting month under each support order;
 - 4) the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;
 - 5) the total amount of current support due after AFDC or TANF cancellation which remains unpaid under each support order;

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- 6) identification of the reported month;
 - 7) the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;
 - 8) the distribution of support payments for the five ~~five~~ month period for which distribution is complete, including:
 - A) the amount of support received;
 - B) AFDC or TANF grant amount;
 - C) amount of support paid to the client as current, Pass Through and excess;
 - D) the amount of support retained to reimburse the Department;
 - E) the amount of support applied to future obligations;
 - 9) the total amount of child support collected in the prior month and the source of collection;
 - 10) the total amount of support paid to the client (i.e., current, excess and past due) for the prior month;
 - 11) the amount of support retained to reimburse the Department; and
 - 12) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.
- c) Notice Sent to ~~to~~ Former AFDC or TANF Recipients in the ~~in--the~~ Third Month Following Case Cancellation and ~~for~~ ~~And-For~~ Any Subsequent Month For Which the Department Receives a Child Support Payment
- The Department will send to each former AFDC or TANF recipient (for whom a IV-D accounts receivable has been established) beginning with the third month following the month of AFDC or TANF cancellation and for any subsequent month for which the Department receives a child support payment, a notice which includes the following information:
- 1) the effective month and year of AFDC or TANF cancellation;
 - 2) the terms of each support order, the support order number, and beginning dates of each support order;
 - 3) total amount paid in the prior month under each support order;
 - 4) the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;
 - 5) the total amount of current support due after AFDC or TANF cancellation which remains unpaid under each support order;
 - 6) identification of the prior month;
 - 7) the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;
 - 8) the total amount of support paid to the client (i.e., current and past due) for the prior month;
 - 9) the total amount of child support collected in the prior month and the source of collection;
 - 10) the amount of support retained to reimburse the Department; and
 - 11) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.

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(Source: Amended at 21 Ill. Reg. 16050, effective July 26, 1984)

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section 160.150 Department Review of 06 Distribution of 06 Child Support for 06 TANF AFDC Recipients

Any TANF AFDC recipient who disagrees with the Department's distribution of child support relating to her Title IV-D account (see Sections 160.100 and 160.130(b)) can appeal in accordance with 89 Ill. Adm. Code 102.80, 102.83 and 102.84 and 104:Subpart A.

(Source: Amended at 21 Ill. Reg. 16050, effective July 26, 1984)

Section 160.160 Department Review of 06 Distribution of 06 Child Support for 06 Former AFDC or TANF Recipients

- a) A former AFDC or TANF recipient may request an account review at any time and a prior account review decision or reconsidered account review decision shall not act as a bar to review.
- b) A written request for account review shall be filed with the Department. For mailed requests, the date of filing is the date the request is received by the Department, not the postmark date.
- c) The Department shall require former AFDC or TANF recipients to provide the following information to request an account review:
 - 1) the name and address of the former AFDC or TANF recipient,
 - 2) the name(s) of her child(ren),
 - 3) the name(s) of the responsible relative(s) obligated to pay support, and
 - 4) the period for which review is sought.
- d) Request for Additional Information
 - 1) The Department may request former AFDC or TANF recipients to provide the following additional information to request an account review, but may not require such information:
 - A) support order number,
 - B) the responsible relative's Social Security social-security number,
 - C) the former recipient's Social Security social-security number, and
 - D) the AFDC or TANF case number.
 - 2) If the Department is unable to identify the former AFDC or TANF recipient's IV-D account because the former AFDC or TANF recipient has not provided sufficient information, the Department shall be relieved of having to complete the account review within the timeframes specified in subsections (e) and (f) below.
- e) In the event the request for account review seeks review as to current

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support due and not received during the month of the request and/or the prior month, the Department shall issue an account review decision no later than 30 thirty--~~30~~ calendar days after the date of the Department's receipt of the request.

- f) If the request for account review seeks review as to support due and not received for a period more than one month prior to the request, the Department shall issue an account review decision no later than 75 seventy-five--~~75~~ calendar days after the date of the Department's receipt of the request.
- g) Request for documents

1) At any time after requesting an account review, a former AFDC or TANF recipient may request any document possessed by the Department's Division of Child Support Enforcement (DCSE). Such documents include but are not limited to:

- A) support orders,
- B) all FSIS screens, or
- C) other computer records.
- 2) DCSE shall furnish such documents, except as prohibited by federal law and regulations, within 30 thirty--~~30~~ calendar days after of its receipt of the request.
- h) The Department shall afford former AFDC or TANF recipients who request account reviews the opportunity to submit additional documentary evidence prior to the issuance of the account review decision.
- i) An account review decision shall contain the following:
 - 1) the names of the person requesting review, the children, and the responsible relative(s);
 - 2) calculations made by the Department;
 - 3) appropriate citations to Department policy regarding collection and/or distribution of support;
 - 4) a statement as to whether the former AFDC or TANF recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC or TANF recipient;
 - 5) the name and office address of the account reviewer;
 - 6) a statement advising that the account review decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari, unless reconsideration of the account review decision is requested in writing within thirty--~~30~~ calendar days by the former AFDC or TANF recipient; and
 - 7) a statement that the former AFDC or TANF recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number or in-person at a local office arranged by appointment through the toll-free number.
- j) After a former AFDC or TANF recipient receives an account review decision, the former AFDC or TANF recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number so that the former AFDC or TANF recipient may receive an explanation of her account review decision by her account reviewer. If the former

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AFDC or TANF recipient's account reviewer is unavailable, a former AFDC or TANF recipient will be offered assistance by another account reviewer.

- k) After a former AFDC or TANF recipient receives an account review decision, she may request an explanation of the decision by an in-person meeting at her local office with a designated staff member who will be available to explain the account review decision.
- l) A former AFDC or TANF recipient has a right to reconsideration of the account review decision. Reconsideration must be requested by the former AFDC or TANF recipient within thirty (30) calendar days after the date of the account review decision. Former AFDC or TANF recipients will be advised by the account review decision that they have a right to reconsideration of the account review decision and that they must file a written request for reconsideration.
- m) A request for reconsideration must include the former AFDC or TANF recipient's name, case number, date of account review decision, and the reason why the former AFDC or TANF recipient believes that the account review decision is incorrect. The former AFDC or TANF recipient shall also provide copies of any documentation that she believes that the account reviewer failed to consider in reaching the account review decision.
- n) The Department shall issue a reconsideration decision no later than fifteen (15) calendar days after the date of the Department's receipt of the request.
- o) The reconsideration decision shall include the following:
 - 1) the names of the person requesting the reconsideration, the children, and the responsible relative(s);
 - 2) a statement that the account reviewer has reviewed the prior documents and decision and has considered any new documentation or statements that have been submitted by the former AFDC or TANF recipient;
 - 3) calculations made by the Department in making the reconsideration and citations to appropriate Department policy if different than policy cited in the original decision;
 - 4) a statement as to whether the original account review decision was correct or incorrect and whether the former AFDC or TANF recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC or TANF recipient;
 - 5) the name and office address of the account reviewer;
 - 6) a statement advising that the reconsideration decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari; and
 - 7) a reference to an attached copy of the original account review decision which will be enclosed with the reconsideration decision.
- p) Any funds to which a former AFDC or TANF recipient is determined to be entitled as the result of an account review decision or

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reconsideration of that decision shall be issued within 30 thirty (30) calendar days of the date of the account review decision or reconsideration of that decision.

- q) A former AFDC or TANF recipient is entitled to seek review by writ of certiorari of any account review decision and is not required to request reconsideration of such decision prior to filing an action in state court.

(Source: Amended at 21 Ill. Reg. effective 10/01/04)

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- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers: Adopted Action:
152.150 Amendment
152.200 Amendment
152.250 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register:
July 18, 1997 (21 Ill. Reg. 9398)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes have been made in the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
Yes
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments concerning payments for hospital services are necessary to implement the State's fiscal year 1998 budget plan which requires the continuation of current reimbursement levels. The Department will continue to reimburse hospitals for inpatient and outpatient services, for an indefinite period, according to current reimbursement levels. Additionally, the rate appeal process found in Section 152.250 is being repealed. New provisions, which are intended to compensate for the elimination of the appeals process, were adopted at 89 Ill. Adm. Code 148.296 on September 23, 1997. These provisions will provide supplemental critical hospital adjustment payments to eligible hospitals and are designed to allow hospitals that are critical to the Medicaid Program to maintain participation.

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These amendments to Sections 152.150 and 152.200 are not expected to result in any budgetary changes. The repeal of Section 152.250 will result in a decrease in expenditures of approximately \$41,000,000, but it is expected that these funds will be fully utilized in the new Supplemental Critical Hospital Adjustment Payment program, which is intended to cover critically necessary Medicaid services.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section 152.100 Reimbursement Add-on Adjustments (Repealed)
152.150 Diagnosis Related Grouping (DRG) Prospective System (PPS)
152.200 Non-DRG Reimbursement Methodologies
152.250 Appeals (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 14186, effective July 2, 1997.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in this Section will be effective January 18, 1994.
- b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).
- c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter until June-30-1997.

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- d) For hospital inpatient services rendered on or after July 1, 1995, and prior to July-17-1997, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.
- e) This Section shall be automatically repeated effective June-30-1997.

(Source: Amended at 21 Ill. Reg. 16153, effective July 2, 1997)

Section 152.200 Non-DRG Reimbursement Methodologies

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in this Section will be effective January 18, 1994.
- b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994, less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter until June-30-1997.
- e) This Section shall be automatically repeated effective June-30-1997.

(Source: Amended at 21 Ill. Reg. 16153, effective July 2, 1997)

Section 152.250 Appeals (Repealed)

- a) Right to appeal: Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department on or before July-31-1996. The written request must contain the information as specified in subsection (c) below. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process.
- b) Non-appealable issue: The October-1-1997 rates and reimbursement systems used to calculate the rates are not appealable.
- e) Appeal documentation:
- i) The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent. The signature verifies by written

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declaration) and under penalties of perjury that the signing officer has personally examined the documentation and that the information is true, correct, and complete.

2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.

3) The hospital must submit a copy of its last three financial statements audited by an external independent certified public accountant if the hospital is part of a group of entities which are related by common ownership or control or both; a consolidated financial statement audited by an external independent certified public accountant is also required if consolidated financial statements are not available; then the individual audited financial statements from each of the related entities may be submitted separately. The Department will merge the information. A hospital that qualifies for financial relief under Section 152-250(d)(4)(A) or (B) must submit copies of all relevant audited financial statements.

d) Appeal Process. In no event shall financial relief be awarded unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality. In making such demonstration the hospital must meet all of the following criteria:

1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate cases, financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is in the aggregate incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain, but can demonstrate that it has unique and compelling Medicaid costs which, if reimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.

2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospital services. Reasonable access may vary according to geographic location and/or types of care.

3) The financial statement described in subsection (e)(3) above must reflect a ratio of current assets to current liabilities that is less than or equal to 1.0. However, when determining such ratios a hospital may exclude Medicaid accounts receivables from this calculation and define funded depreciation as a restricted fund under subsection (f)(7) of this Section. If:

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A) the hospital's Medicaid inpatient utilization rate, as defined in 09-III-Adm-Code-140-120(k)(5), is greater than 50 percent, and it is not a hospital as described in 09-III-Adm-Code-140-25(b)(1)(A) or 140-120(a)(5) or 09-III-Adm-Code-140-50(c)(1) or 140-50(c)(4); or

B) the hospital qualified for Critical Hospital Adjustment Payments (CHAP) under 09-III-Adm-Code-140-295 in State fiscal year 1996; it has a Medicaid utilization rate, as defined in 09-III-Adm-Code-140-120(k)(5), that is greater than 40 percent; it has a combined Medicaid/Medicare utilization rate, as defined in subsection (f)(4) below, that is greater than 70 percent; and it has an uncompensated care percent as described in subsection (f)(6), that is greater than four percent.

4) The financial statements described in subsection (e)(3) above must reflect a net loss in each of the three periods; however:

A) for a hospital whose Medicaid inpatient utilization rate, as defined in 09-III-Adm-Code-140-120(k)(5), is greater than 50 percent, and that is not a hospital as described in 09-III-Adm-Code-140-25(b)(1)(A) or 140-120(a)(5) or 09-III-Adm-Code-140-50(c)(1) or 140-50(c)(4), the statement must reflect a net loss in two out of the last four periods or a net loss in three out of the last six periods. Hospitals qualifying under this subsection (d)(4)(A) may exclude 2.5 percent of their net operating revenue and payments made for hardship relief granted pursuant to Part 152 during state fiscal years 1995 and 1996 from this calculation. Hospitals whose fiscal year ends on or no later than six months prior to June 30, 1996, may submit a preliminary financial statement for the hospital's fiscal year ending June 30, 1996, or a period no less than six months between the end of its fiscal year and June 30, 1996. This preliminary financial statement must utilize generally accepted accounting principles and be accompanied with an attestation signed by the hospital's Chief Executive Officer and Chief Financial Officer to the accuracy and validity of such statement. In addition, hospitals owned by a Federally Qualified Health Center (FQHC) may exclude Federal Section 330 grant revenue from this calculation, or for hospitals that qualified for Critical Hospital Adjustment Payments under 09-III-Adm-Code-140-295 in State fiscal year 1996, whose Medicaid utilization rate, as described in 09-III-Adm-Code-140-120(k)(5), was greater than 40 percent, whose combined Medicaid/Medicare utilization rate, as described in subsection (f)(4) below, was greater than 70 percent, and whose uncompensated care percent, as described in subsection (f)(6) below, was greater than four percent, the statement must reflect a net

B)

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loss in two out of the last four periods or a net loss in three out of the last six periods. Hospitals qualifying under this subsection (d)(4)(B) may, in addition to the deductions and the ability to submit preliminary financial statements as identified under subsection (d)(4)(A), above deduct revenue derived from a FQHC clinic that is physically located on the immediate hospital campus.

5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than or equal to 1.4. However, when determining such ratios a hospital may exclude Medicaid accounts receivables from this calculation and define funded depreciation as a restricted fund under subsection (f)(7) of this Section. If:

A) the hospital's Medicaid inpatient utilization rate as defined in 09 Ill. Adm. Code 148-120(k)(5) is greater than 50 percent, and it is not a hospital as described in 09 Ill. Adm. Code 148-25(b)(1)(A) or 140-120(a)(5), or 09 Ill. Adm. Code 149-50(c)(1) or 149-50(c)(4) or

B) the hospital is qualified for Critical Hospital Adjustment Payments (CHAP) under 09 Ill. Adm. Code 148-295 in State fiscal year 1996, and it has a Medicaid utilization rate as defined in 09 Ill. Adm. Code 148-120(k)(5) that is greater than 40 percent, and it has a combined Medicaid/Medicare utilization rate as defined in subsection (f)(4) below that is greater than 70 percent, and it has an uncompensated care percent as described in subsection (f)(6) below, that is greater than four percent.

e) Financial relief. If the hospital demonstrates adequate financial jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.

f) Definitions. For purposes of this Section, unless the context requires otherwise:

1) "Current assets" must follow Generally Accepted Accounting Principles, except for this purpose all unrestricted investments must be included as current assets.

2) "Current liabilities" must follow Generally Accepted Accounting Principles, except for this purpose any liabilities due to entities related by ownership or control must not be included as current liabilities.

3) "Marginal loss" is the amount by which total variable costs for each patient day exceeds the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 40 percent of total inpatient operating costs and fixed costs at 40 percent of total inpatient operating costs; however the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.

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4) "Medicaid/Medicare Utilization Rate" means the Medicaid inpatient utilization rate as described in 09 Ill. Adm. Code 148-120(k)(5), excluding Medicare/Medicaid crossover days as described in 09 Ill. Adm. Code 148-120(c)(3)(4), plus the Medicare inpatient utilization rate calculation of which the numerator is the number of hospital Medicare inpatient days provided in the base fiscal year described in 09 Ill. Adm. Code 148-120(k)(1) as reported on the Medicare cost report (HEPA-2552) and the denominator of which is the total number of hospital inpatient days in that same period as reported on the Medicare cost report (HEPA-2552).

5) "Ratio of current assets to current liabilities" means current assets divided by current liabilities as defined above.

6) "Uncompensated Care Utilization Rate" means a fraction of which the numerator is the hospital's uncompensated care charges provided in a given twelve-month period, as described in 09 Ill. Adm. Code 140-150(b)(4), and the denominator of which is the hospital's total charges as described in 09 Ill. Adm. Code 140-150(b)(2) in that same base year, as described in 09 Ill. Adm. Code 140-150(b)(3), in this subsection (f)(6), the term uncompensated care charges shall include in addition to its usual definition charges for services reimbursable by the Department under the Transitional Assistance Program and the Family and Children Assistance Program, formerly known as General Assistance Article VII.

7) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also, investments which have been legally restricted against use for hospital operations such as loan collateral will be considered to be restricted. Funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis unless otherwise allowed for under the provisions noted in Section 152-258(d)(3), (d)(4)(B) and (d)(5).

9) Nothing in these provisions shall preclude the Director of the Department of Public Aid from making mid-year adjustments to the hospital hardship payments made under this Section.

h) This Section shall be automatically repeated effective June 30, 1997.

(Source: Repealed at 21 Ill. Reg. 10350, effective July 26, 1991.)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:
148.310 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: August 1, 1997 (21 Ill. Reg. 10016)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes have been made in the text of the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency rules currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

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|-----------------|------------------------|---|
| <u>Sections</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 148.25 | Amendment | August 29, 1997 (21 Ill. Reg. 11881) |
| 148.140 | Amendment | September 26, 1997 (21 Ill. Reg. 13032) |
- 15) Summary and Purpose of Amendments: These amendments provide a rate appeals process for hospitals concerning two new payment adjustment programs, Supplemental Critical Hospital Adjustment Payments (SCHAP) and Pediatric Outpatient Adjustment Payments, which were effective July 1, 1997, and July 2, 1997, respectively. These two programs were implemented through separate companion amendments that were published on July 18, 1997, at 21 Ill. Reg. 9552, and July 25, 1997, at 21 Ill. Reg. 9822. The new payment adjustment programs direct Medicaid dollars to hospitals that provide critically necessary Medicaid services and ensure access for eligible children to highly specialized outpatient procedures. Therefore, providers of hospital services must have the availability of a rate

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appeals process to contest the calculation of payment levels or a determination of ineligibility for payment adjustment when it is believed that an error has occurred. The Department does not anticipate that these amendments will result in any significant budgetary effect.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	Definitions and Applicability
148.25	General Requirements
148.30	Special Requirements
148.40	Covered Hospital Services
148.50	Services Not Covered as Hospital Services
148.60	Limitation On Hospital Services
148.70	Organ Transplants Services Covered Under Medicaid (Repealed)
148.80	Organ Transplants Services
148.82	Heart Transplants (Repealed)
148.90	Liver Transplants (Repealed)
148.100	Bone Marrow Transplants (Repealed)
148.110	Disproportionate Share Hospital (DSH) Adjustments
148.120	Outlier Adjustments for Exceptionally Costly Stays
148.130	Hospital Outpatient and Clinic Services
148.140	Public Law 103-66 Requirements
148.150	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.160	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.170	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.175	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.180	Copayments
148.190	Alternate Reimbursement Systems
148.200	Filing Cost Reports
148.210	Pre September 1, 1991 Admissions
148.220	Admissions Occurring on or after September 1, 1991
148.230	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.240	Determination of Alternate Payment Rates to Certain Exempt Hospitals Calculation and Definitions of Inpatient Per Diem Rates
148.250	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.260	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.270	Excellence in Academic Medicine Payments
148.280	
148.285	

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148.290	Adjustments and Reductions to Total Payments
148.295	Critical Hospital Adjustment Payment (CHAP)
148.296	Supplemental Critical Hospital Adjustment Payments (SCHAP)
148.297	Pediatric Outpatient Adjustment Payments
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18

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Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 507, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

Section 148.310 Review Procedure

a) Inpatient Rate Reviews

1) Hospitals shall be notified of their inpatient rate for the rate year and shall have an opportunity to request a review of the rate for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of their rates. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) Hospitals reimbursed in accordance with Sections 148.250 through 148.300 and 89 Ill. Adm. Code 149 with respect to per diem add-ons for capital may request that an adjustment be made to their base year costs to reflect significant changes in costs which have been mandated in order to meet State, federal or local health and safety standards, and which have occurred since the hospital's filing of the base year cost report. The allowable Medicare/Medicaid costs must be identified from the most recent audited cost report available. These costs must be significant, i.e., on a per unit basis, they must constitute one percent or more of the total allowable Medicaid/Medicare unit costs for the same time period. Appeals for base year cost adjustments must be

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received, in writing, by the Department within 30 days after the date of the Department's notice to the hospital of their rates. Such request shall include a clear explanation of the cost change and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

b) DSH Determination Reviews

1) Hospitals shall be notified of their qualification for DSH payment adjustments and shall have an opportunity to request a review of the DSH add-on for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of its disproportionate share qualification and add-on calculations. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) DSH determination reviews shall be limited to the following:

- A) DSH Determination Criteria. The criteria for DSH determination shall be in accordance with Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
- B) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
- C) Low Income Utilization Rates. Low income utilization rates shall be calculated in accordance with Section 1923 of the Social Security Act and Section 148.120(a)(2) and (d). Review shall be limited to verification that low income utilization rates were calculated in accordance with federal and State regulations.
- D) Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 5, (1989), and Section 148.120(a)(3) based upon the methodologies utilized by, and the most current information available to the Department from the Department of Health and Human Services as of June 30, 1992. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of June 30, 1992.
- E) Excess Beds. Excess bed information shall be determined in

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accordance with Public Act 86-268 (Code 148.120(a)(3) and 77 Ill. Adm. Code 1100) based upon the methodologies utilized by, and the most current information available to, the Illinois Health Facilities Planning Board as of July 1, 1991. Reviews shall be limited to requests accompanied by documentation from the Illinois Health Facilities Planning Board substantiating that the information supplied to and utilized by the Department was incorrect.

F) Medicaid Obstetrical Inpatient Utilization Rates. Medicaid obstetrical inpatient utilization rates shall be calculated in accordance with Section 148.120(a)(4), (k)(4), (k)(6) and (k)(7). Review shall be limited to verification that Medicaid obstetrical inpatient utilization rates were calculated in accordance with State regulations.

c) Outlier Adjustment Reviews

The Department shall make outlier adjustments to payment amounts in accordance with 89 Ill. Adm. Code 149.105 or Section 148.130, whichever is applicable. Hospitals shall be notified of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment and shall have an opportunity to request a review of such specific information for errors in calculation only. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

d) Cost Report Reviews

1) Cost reports are required from:

- A) All enrolled hospitals within the State of Illinois;
- B) All out-of-state hospitals providing 100 inpatient days of service per hospital fiscal year, to persons covered by the Illinois Medical Assistance Program; and
- C) All hospitals not located in Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm. Code 149 (the DRG PPS).

2) The completed cost statement with a copy of the hospital's Medicare cost report and audited financial statement must be submitted annually within 90 days of the close of the hospital's fiscal year. A one-time 30-day extension may be requested. Such a request for an extension shall be in writing and shall be received by the Department's Office of Health Finance prior to the end of the 90-day filing period. The Office of Health Finance shall audit the information shown on the Hospital Statement of Reimbursable Cost and Support Schedules. The audit

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shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report which may contain adjustments and revisions which may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. Such a request must be received in writing by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. Such request shall include all items of documentation and analysis which support the request for review. No additional data shall be accepted after the 45 day period. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

e) Trauma Center Adjustment Reviews

- 1) The Department shall make trauma care adjustments in accordance with Section 148.290(c). Hospitals shall have the right to appeal the trauma center adjustment calculations if it is believed that a technical error has been made in the calculation.
- 2) Trauma level designation is obtained from the Illinois Department of Public Health as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, or the licensing agency in the state in which the hospital is located, substantiating that the information supplied to and utilized by the Department was incorrect.
- 3) Appeals under this subsection (e) must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for trauma center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

f) Medicaid High Volume Adjustment Reviews

The Department shall make Medicaid high volume adjustments in accordance with Section 148.290(d). Review shall be limited to verification that the Medicaid inpatient days were calculated in accordance with State regulations. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for Medicaid high volume adjustments and payment adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt

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of the hospital's request for review.

- g) Sole Community Hospital Designation Reviews
The Department shall make sole community hospital designations in accordance with 89 Ill. Adm. Code 149.125(b). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be made in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
- h) Geographic Designation Reviews
 - 1) The Department shall make rural hospital designation in accordance with Section 148.25(g)(3). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
 - 2) The Department shall make urban hospital designations in accordance with Section 148.25(g)(4). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
- i) Critical Hospital Adjustment Payment (CHAP) Reviews
 - 1) The Department shall make CHAP payments CHAPs in accordance with Section 148.295. Hospitals shall be notified in writing of the results of the CHAP determination and calculation, and shall have the right to appeal the CHAP calculation or their ineligibility for the CHAP if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for CHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for the CHAP. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

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2) CHAP determination reviews shall be limited to the following:

- A) Federally Designated Health Professional Shortage Areas (HPSAs). Illinois hospitals located in federally designated HPSAs shall be identified in accordance with 42 CFR 5, and Section 148.295(a)(3)(B) and (b)(3) based upon the methodologies utilized by, and the most current information available to, the Department from the Department of Health and Human Services as of the last day of June preceding the CHAP rate period. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HPSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HPSA as of the last day of June preceding the CHAP rate period.
- B) Trauma level designation. Trauma level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.
- C) Accreditation of Rehabilitation Facilities. Accreditation of rehabilitation facilities shall be obtained from the Commission on Accreditation of Rehabilitation Facilities as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Commission, substantiating that the information supplied to and utilized by the Department was incorrect.
- D) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
- E) Perinatal level designation. Perinatal level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.
- F) Disproportionate share eligibility. Disproportionate share eligibility shall be determined pursuant to Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
- G) Occupancy ratio. The occupancy ratio shall be obtained from

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the Illinois Department of Public Health's published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois" as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and used by the Department was incorrect.

- H) Graduate Medical Education Programs. Graduate Medical Education program information shall be obtained from the most recently published report of the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the above, substantiating that the information supplied to and utilized by the Department was incorrect.

- i) Supplemental Critical Hospital Adjustment Payment (SCHAP) Reviews. The Department shall make SCHAP payments in accordance with Section 148.296. Hospitals shall be notified in writing of the results of the SCHAP determination and calculation, and shall have the right to appeal the SCHAP calculation or their ineligibility for SCHAP payments if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for SCHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for SCHAP payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- k) Pediatric Outpatient Adjustment Payments. The Department shall make Pediatric Outpatient Adjustment payments in accordance with Section 148.297. Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.297 if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.297 and payment adjustment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of

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the hospital's request for review.

(Source: Amended at 21 Ill. Reg. 1016, effective 8/1/84)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Business Corporation Act
- 2) Code Citation: 14 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
150.220 Amendment
- 4) Statutory Authority: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5]
- 5) Effective Date of Amendment: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 1, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 10019, August 1, 1997
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: No Changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The rule sets forth the type of information available for purchase and the requirements to obtain it. Informs the user of the available methods of transfer of information updates and the current cost.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:
1) Heading of the Part: Business Corporation Act

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) Code Citation: 14 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
150.220 Amendment
- 4) Statutory Authority: Implementing and authorized by the Business Corporation Act of 1983 (805 ILCS 5)
- 5) Effective Date of Amendment: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: December 1, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 10019, August 1, 1997
- 10) Has JCAR issued a State of Objections to these amendments? No
- 11) Differences between proposal and final version: No Changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The rule sets forth the type of information available for purchase and the requirements to obtain it. Informs the user of the available methods of transfer of information updates and the current cost.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 150

BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section

150.10	Applicability
150.20	Definitions
150.30	Right to Counsel
150.40	Appearance of Attorney
150.50	Special Appearance
150.60	Substitution of Parties or Attorneys
150.70	Commencement of Action; Notice of Hearing
150.80	Motions
150.90	Form of Papers
150.100	Conduct of Hearings
150.110	Orders
150.120	Record of Hearings
150.130	Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section

150.200	Annual List of Corporations
150.210	Monthly List of Corporations
150.220	Daily List of Corporations
150.230	Computer Access to Information
150.240	Abstracts of Corporate Record
150.250	Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS, OBJECTIONS, AND OTHER RELIEF

Section

150.300	Errors or Defects
150.305	Financial Data as Support Documentation
150.310	Invalidity

SUBPART D: NAMES

Section

150.400	Preliminary Determination of Availability
150.405	Final Determination of Availability
150.410	Response as to Basis of Unavailability

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150.415

Reconsideration Procedure

150.420

Effect of Final Determination

150.425

Applicability

150.430

Availability of Names: Statutory Requirements

150.435

Standards - Conflicting Names

150.440

Distinguishable - Defined

150.445

Matters not Considered

150.450

Significant Differences

150.455

Surnames

150.460

Alphabet Names

150.465

Government Affiliation

150.470

Restricted and Professional Words

150.475

Acceptable Characters of Print

150.480

Invalidity

150.485

Improper Names

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section

150.500	Preamble
150.510	Manner of Service
150.520	Place of Service
150.530	Payment of Fees
150.540	Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section

150.600	Payment of Fees, Franchise Tax and License Fee
150.610	Definitions
150.620	Annual Report
150.621	Confidentiality of Annual Report Financial Data
150.630	Shares Having a Par Value
150.640	Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section

150.700	Interpretive Comments Applicable Generally
150.705	Paid-in Capital
150.710	Advice to the Public
150.720	Incorporating Licensed Professionals

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302,

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effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. 7783, effective May 15, 1994; amended at 20 Ill. Reg. 7026, effective May 8, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART B: SALE AND RELEASE OF INFORMATION

Section 150.220 Daily List of Corporations

- a) The daily list of newly formed corporations, business and not-for-profit, shall be published by the Department of Business Services.
- b) All requests to subscribe to the daily list for the term-of-one-year from the date-of-request shall be sent to the Director of the Department of Business Services, Room 328, Howlett Building, Springfield, Illinois 62756.
- c) The charge for the subscription to the daily list of corporations shall be \$318.00 for a 12 month subscription or \$26.50 per month for the balance of the subscription term based on a calendar year, payable by certified check or money order by all subscribers, except local governments or state departments and agencies.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Limited Liability Company Act
- 2) Code Citation: 14 Ill. Adm. Code 178
- 3) Section Numbers: Adopted Action:
178.40 Amendment
178.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180]
- 5) Effective Date of Amendment: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 1, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 10023, August 1, 1997
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Changes on "Second Notice Changes" have been incorporated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: As a result of a discrepancy between the fee listed in administrative rules and fees set by statutes, the rules are revised to provide that the fee for service of process on the Secretary of State is the statutory fee of \$100.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

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The full text of the Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 178

LIMITED LIABILITY COMPANY ACT

SUBPART A: RIGHTS AND REQUIREMENTS

Section	
178.10	Definitions
178.15	Applicability
178.20	Filing Requirements
178.25	Additional Requirements for Forms
178.30	Filing Location
178.35	Business Hours
178.40	Sales of Information
178.45	Right to Counsel
178.50	Service of Process
178.55	Payment of Fees
178.60	Refunds

SUBPART B: NAMES

Section	
178.100	Availability of Names: Statutory Requirements
178.105	Preliminary Determination of Availability
178.110	Final Determination of Availability
178.115	Response as to Basis of Unavailability
178.120	Reconsideration Procedure
178.125	Effect of Final Determination
178.130	Standards - Conflicting Names
178.135	Distinguishable - Defined
178.140	Matters Not Considered
178.145	Significant Differences
178.150	Surnames
178.155	Alphabet Names
178.160	Government Affiliation
178.165	Restricted and Professional Words
178.170	Acceptable Characters of Print
178.175	Invalidity
178.180	Assumed Names
178.185	Foreign LLC with Prohibited Names

AUTHORITY: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].

SOURCE: Adopted at 17 Ill. Reg. 22055, effective January 1, 1994; amended at

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20 Ill. Reg. 7050, effective May 8, 1996; amended at 21 Ill. Reg. 16178, effective 10/1/99.

SUBPART A: RIGHTS AND REQUIREMENTS

Section 178.40 Sales of Information

- a) Information concerning any limited liability company shall be available to the public from the Department of Business Services upon written request, or by telephone or in person with advance payment, using check or approved credit card, at the office of the Department as stated in Section 178.30.
- b) Information concerning the limited liability companies on file with the Department shall be in the form of an abstract of record, printed from the computer file of the Department, and shall consist of the limited liability company name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the latest date at which the limited liability company will dissolve, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, the members and/or managers names and addresses and the file number with the Department. The fee for each abstract or record shall be \$25.00.
- c) Computer connections by non-department users
 - 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency commits to pay all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
 - 2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the computer terminal connections as opposed to other methods, and other factors which may impede the operations of the Office of the Secretary of State. This service will be suspended at anytime, should the connection interfere with the Secretary's internal work schedule and processing.
 - 3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the most economic way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and other appropriate factors, such as statutory fees for certain

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- 4) types of information and the requirements of this Subpart. No user may reproduce any list or abstract from the computer connection. Lists of LLC information including the names and information concerning all limited liability companies may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Department's LLC files may be made by any computer connection user.
- d) Terms and conditions for computer maintained LLC information
 - 1) The information supplied by the Department to other agencies, commercial users, or other persons, shall be in the abstract format only, as specified in subsection (b) of this Section.
 - 2) The fee for the entire file list of current and dissolved limited liability companies, and assumed names, shall be \$1,500.00. The monthly weekly update list shall cost \$400 \$300.00 per update. The update is available through modem access only. If the file list is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes, compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.
 - 3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check, money order made payable to the "Secretary of State" or credit card.
 - 4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.
 - 5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only to the extent that its subscribers request on an individual entity by entity basis.

(Source: Amended at 21 Ill. Reg. 16178, effective 10/1/99)

Section 178.50 Service of Process

- a) For the purposes of Section 1-50 of the LLC Act, the procedures set forth in this Section shall apply.
- b) Any process, notice or demand to be served under this Part shall be

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made upon the Secretary, the Director, or any employee of the Department designated by the Director to accept such service for him or her, in the following manner:

- 1) Service shall comply with the provisions of Part 2 of the Civil Practice Law [735 ILCS 5/2], the Federal Rules of Civil Procedure (2B USCA), or any administrative rules of service, as may be appropriate.
- 2) The affidavit of compliance required by Section 1-50 and 45-55 of the ILCA to be appended to the process, notice or demand to be served, containing the information described in subsection (b) of this Section herein, shall be signed by the person instituting the action, suit or proceeding or by an attorney of record, and the signature of the affiant, without more, shall constitute the affirmation or acknowledgement, under penalties of perjury, that the affidavit is the act or deed of the affiant and that facts stated therein are true.
- c) At the time of any service under this Part, there shall be paid a fee of \$100, \$50-00, payable by check or money order to the "Illinois Secretary of State" or credit card. Each process, notice or demand shall be submitted with a separate payment.
- d) The Department of Business Services shall maintain original file copies which shall be in paper form or an acceptable archival medium, and originals may be discarded upon verification of archival medium (microfilm or electronic imaging) and upon approval by the State Records Commission (see 5 ILCS 160/16).

(Source: Amended at 21 Ill. Reg. 16173, effective 11/1/11)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Revised Uniform Partnership Act
- 2) Code Citation: 14 Ill. Adm. Code 170
- 3) Section Numbers: Adopted Action: 170.17
Amendment
- 4) Statutory Authority: Implementing and authorized by the Revised Uniform Partnership Act [805 ILCS 210]
- 5) Effective Date of Amendment: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 1, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 10028, August 1, 1997
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: No Changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The rule informs the user of the available methods of transfer of information updates and the current cost.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
 SUBTITLE A: REGULATION OF BUSINESS
 CHAPTER I: SECRETARY OF STATE

PART 170
 REVISED UNIFORM LIMITED PARTNERSHIP ACT

Section	
170.10	Definitions
170.11	Filing Locations
170.12	Business Hours
170.13	Fees
170.14	Service of Process
170.15	Additional Requirements for Forms
170.16	Assumed Names
170.17	Sale of Information
170.20	Filing Requirements
170.30	Refunds
170.40	Interrogatories

AUTHORITY: Implementing and authorized by the Revised Uniform Limited Partnership Act [805 ILCS 210].

SOURCE: Adopted at 11 Ill. Reg. 10314, effective July 1, 1987; amended at 14 Ill. Reg. 1480, effective January 15, 1990; amended at 16 Ill. Reg. 11196, effective July 1, 1992; amended at 17 Ill. Reg. 427, effective January 1, 1993; amended at 20 Ill. Reg. 7056, effective May 8, 1996; amended at 21 Ill. Reg. 10164, effective 11/1/03.

Section 170.17 Sale of Information

- a) The Department of Business Services shall not reproduce, or sell any list of limited partnerships on file until July 1, 1991.
- b) Information concerning any limited partnership or limited partnerships shall be available to the public from the Department of Business Services upon written request, or by telephone request with advance payment using an approved credit card when submitted by mail or in person at the offices of the Department as stated in Section 170.11.
- c) Information concerning the limited partnerships on file with the Department shall be in the form of an abstract or record, printed from the computer file of the Department, and shall consist of the limited partnership name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the latest date at which the limited partnership will dissolve, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, and the file number with the Department. The fee for each abstract of record shall be \$10.00.
- d) Copies of all documents pertaining to limited partnerships on file

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

with the Department are available upon written request submitted either by mail, in person or by telephone request with advance payment using an approved credit card to the Springfield office of the Department. The fee for such copies, and certification of any documents, is at least \$10.00, as stated in 805 ILCS 210/1102.

e) Computer connections by non-department users

- 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency incurs all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
- 2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the cost-effectiveness of providing the information through computer terminal connections as opposed to other methods, and other factors which may impede the operations of the Office of the Secretary of State. This service will be suspended at any time, should the connection interfere with the Secretary's internal work schedules and processing.
- 3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the economically simplest way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and any other appropriate factors, such as statutory fees (see 805 ILCS 210/1102) for certain types of information and the requirements of this Part Subpart.
- 4) No users may print any list or abstract from the computer connection. Lists of RULPA information including the names and information concerning all limited partnerships may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Department's RULPA files may be made by any computer connection user.
- f) Terms and conditions for computer maintained RULPA information
 - 1) The information supplied by the Department to other agencies, commercial users, or other person, shall be in the abstract format only, as specified in subsection (c) of this Section. The fee for the entire file list of current and dissolved limited partnerships, and assumed names, shall be \$1,500.00. The monthly weekly update list shall cost \$400.00 per update week. The update list is available by electronic transfer only on

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~microfiche~~--or--on-computer-tape. If the file list is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.

- 3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check, money order, or an approved credit card made payable to the "Secretary of State".
- 4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.
- 5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only on the basis of each limited partnership as needed by the subscriber.

(Source: Amended at 21 Ill. Reg. 10154, effective

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Uniform Partnership Act
- 2) Code Citation: 14 Ill. Adm. Code 165
- 3) Section Numbers: Adopted Action:
165.75 New Section
- 4) Statutory Authority: Implementing and authorized by the Uniform Partnership Act [805 ILCS 205]
- 5) Effective Date of Amendment: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 1, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 10032, August 1, 1997
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: See attached "Second Notice Changes" which have been incorporated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The rule sets forth the type of information available for purchase and the requirements to obtain it. It also informs the user of the available methods of transfer of information updates and the current cost.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
 SUBTITLE A: REGULATION OF BUSINESS
 CHAPTER I: SECRETARY OF STATE

PART 165
 UNIFORM PARTNERSHIP ACT

Section	
165.10	Definitions
165.20	Applicability
165.30	Filing Locations
165.40	Business Hours
165.50	Fees
165.60	Forms Requirements
165.70	Service of Process
165.75	Sale of Information
165.80	Right to Counsel
165.90	Interrogatories

AUTHORITY: Implementing and authorized by the Uniform Partnership Act (805 ILCS 205).

SOURCE: Adopted at 19 Ill. Reg. 1915, effective February 15, 1995; amended at 21 Ill. Reg. 14343, effective 14343.

Section 165.75 Sale of Information

- a) Information concerning any registered partnership shall be available to the public from the Department of Business Services upon written request, or by telephone or in person with advance payment, using check or approved credit card, at the office of the Department as stated in Section 165.30.
- b) Information concerning the registered partnerships on file with the Department shall be in the form of an abstract of record, printed from the computer file of the Department, and shall consist of the registered partnership name, its date of registration, its registered agent, the address of the office at which the records are maintained, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, and the file number with the Department. The fee for each abstract of record shall be \$25.
- c) Computer connections by non-Department users
 - 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency commits to pay all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
 - 2) Computer terminal connection may be allowed to commercial users

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the computer terminal connections as opposed to other methods, and other factors which may impede the operations of the Office of the Secretary of State. This service will be suspended at anytime, should the connection interfere with the Secretary's internal work schedule and processing.

- 3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the most economic way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and other appropriate factors, such as statutory fees for certain types of information and the requirements of this Part.
- 4) No user may reproduce any list or abstract from the computer connection. Lists of information, including the names and information concerning all registered partnerships, may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Department's files may be made by any computer connection user.
- d) Terms and conditions for computer maintained information
 - 1) The information supplied by the Department to other agencies, commercial users, or other persons shall be in the abstract format only, as specified in subsection (b) of this Section.
 - 2) The fee for the entire file of current and expired registered limited liability partnerships shall be \$1500. The monthly update shall cost \$400 per update. The update is available through modem access only. If the file is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.
 - 3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check, money order made payable to the "Secretary of State" or credit card.
 - 4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.
 - 5) The commercial purchaser shall not resell to any other purchaser

SECRETARY OF STATE

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the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only to the extent that its subscribers request on an individual entity by entity basis.

(Source: Added at 21 Ill. Reg. 16153, effective 1/1/94)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RECODIFICATION

- 1) Heading of the Title: Department of Mines and Minerals
- 2) Code Citation: 62 Ill. Adm. Code
- 3) Date of Administrative Code Division Review: December 1, 1997
- 4) Headings of Parts Affected: The Department of Mines and Minerals was changed to Department of Natural Resources by Executive Order Number 2 (1995)

Part Numbers

100
180
200
220
280
300
1700
1701
1785

Headings:
Procedure in Administrative Proceedings
Authority To Take Appropriate Action In An
Emergency
The Illinois Explosives Act
Surface Installation Health and Safety
Illinois Surface Coal Mining Operations
Surface Mined Land Conservation and Reclamation Act
General
General Definitions
Requirements For Permits For Special Categories of
Mining

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period August 1, 1997 through October 31, 1997.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; and 21 Ill. Reg. 12695, September 12, 1997.

Chemical: Acenaphthene

Acute criterion: 124 ug/l

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Acetone

Acute criterion: 1,530 mg/l

Date criteria derived: May 25, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acetonitrile

Acute criterion: 375 mg/l

Date criteria derived: December 7, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acrylonitrile

Acute criterion: 910 ug/l

Human health criterion (HNC): 0.21 ug/l

Date criteria derived: November 13, 1991

Applicable waterbodies:

Not used during this period.

CAS #83-32-9

Chronic criterion: 9.9 ug/l

CAS #67-64-1

Chronic criterion: 122 mg/l

CAS #75-05-8

Chronic criterion: 30 mg/l

CAS #107-13-4

Chronic criterion: 73 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Anthracene
Human health criterion (HTC): 35 mg/l
Date criteria derived: August 18, 1993
Applicable waterbodies:

CAS #120-12-7

Not used during this period.

Chemical: Benzene

Acute criterion: 5,200 ug/l

Human health criterion (HNC): 21 ug/l

Date criteria derived: August 15, 1990

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)anthracene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)pyrene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(b)fluoranthene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(k)fluoranthene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Carbon tetrachloride

Acute criterion: 3,500 ug/l

Human health criterion (HNC): 1.4 ug/l

CAS #56-23-5

Chronic criterion: 280 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: June 18, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Chlorobenzene

Acute criterion: 993 ug/l

Date criteria derived: December 11, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Chloroform

Acute criterion: 1,870 ug/l

Human health criterion (HNC): 130 ug/l

Date criteria derived: October 26, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Chrysene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichlorobenzene

Acute criterion: 210 ug/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichlorobenzene

Acute criterion: 500 ug/l

Date criteria derived: July 31, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloroethane

Acute criterion: 24,900 ug/l

Human health criterion (HNC): 23 ug/l

Date criteria derived: March 19, 1992

Applicable waterbodies:

CAS #108-90-7

Chronic criterion: 79 ug/l

CAS #67-66-3

Chronic criterion: 150 ug/l

CAS #218-01-9

CAS #95-50-1

Chronic criterion: 16.8 ug/l

CAS #541-73-1

Chronic criterion: 196 ug/l

CAS #107-06-2

Chronic criterion: 4,540 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: 1,1-dichloroethylene

Acute criterion: 3,030 ug/l

Human health criterion (HNC): 0.95 ug/l

Date criteria derived: March 20, 1992

Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dichlorophenol

Acute criterion: 631 ug/l

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloropropane

Acute criterion: 4,800 ug/l

Date criteria derived: December 7, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichloropropylene

Acute criterion: 99 ug/l

Date criteria derived: November 13, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol

CAS #534-52-1

Chronic criterion: 2.3 ug/l

Acute criterion: 28.8 ug/l

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dinitrophenol

Acute criterion: 85.3 ug/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

Not used during this period.

CAS #51-28-5

Chronic criterion: 4.07 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 2,6-dinitrotoluene
 Acute criterion: 1,910 ug/l
 Date criteria derived: February 14, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Diquat
 Acute criterion: 1,330 ug/l
 Date criteria derived: January 30, 1996
 Applicable waterbodies:

Not used during this period.

Chemical: Ethylbenzene
 Acute criterion: 216 ug/l
 Date criteria derived: August 15, 1990, revised May 17, 1991
 Applicable waterbodies:

05120111-041/off Lamotte Creek
 07120003-197/off Stoney Creek
 07120004-010/off Des Plaines River
 07120007-006/off Fox River
 07130008-009/off Sangamon River

Chemical: Fluoranthene
 Human health criterion (HHC): 120 ug/l
 Date criteria derived: August 10, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobenzene
 Human health criterion (HHC): 0.00025 ug/l
 Date criteria derived: November 15, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobutadiene
 Acute criterion: 34.5 ug/l
 Date criteria derived: March 23, 1992
 Applicable waterbodies:

Not used during this period.

CAS #87-68-3
 Chronic criterion: 2.76 ug/l

Chemical: Hexachloroethane
 Acute criterion: 381 ug/l
 Human health criterion (HNC): 2.9 ug/l
 Date criteria derived: November 15, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol
 Acute criterion: 434 mg/l
 Date criteria derived: December 1, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: Methylene chloride
 Acute criterion: 17,200 ug/l
 Human health criterion (HNC): 340 ug/l
 Date criteria derived: January 21, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Methyleneketone
 Acute criterion: 322,000 ug/l
 Date criteria derived: July 1, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: 4-methyl-2-pentanone
 Acute criterion: 46 mg/l
 Date criteria derived: January 13, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Naphthalene
 Acute criterion: 670 ug/l
 Date criteria derived: November 7, 1991
 Applicable waterbodies:

Not used during this period.

CAS #91-20-3
 Chronic criterion: 68 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hexachloroethane
 Acute criterion: 381 ug/l
 Human health criterion (HNC): 2.9 ug/l
 Date criteria derived: November 15, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol
 Acute criterion: 434 mg/l
 Date criteria derived: December 1, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: Methylene chloride
 Acute criterion: 17,200 ug/l
 Human health criterion (HNC): 340 ug/l
 Date criteria derived: January 21, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Methyleneketone
 Acute criterion: 322,000 ug/l
 Date criteria derived: July 1, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: 4-methyl-2-pentanone
 Acute criterion: 46 mg/l
 Date criteria derived: January 13, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Naphthalene
 Acute criterion: 670 ug/l
 Date criteria derived: November 7, 1991
 Applicable waterbodies:

Not used during this period.

CAS #91-20-3
 Chronic criterion: 68 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 4-nitroaniline
Acute criterion: 1.5 mg/l
Date criteria derived: May 5, 1996
Applicable waterbodies:

Not used during this period.

Chemical: Nitrobenzene
Acute criterion: 15.4 mg/l
Human health criterion (HTC): 0.52 mg/l
Date criteria derived: February 14, 1992
Applicable waterbodies:

Not used during this period.

Chemical: Pentachlorophenol
Acute criterion: 20 ug/l
Date criteria derived: national criterion, September 1986
Applicable waterbodies:

Not used during this period.

Chemical: Phenanthrene
Acute criterion: 46 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies:

0515011-014/off Lamotte Creek
07120003-197/off Stoney Creek
07120004-010/off Des Plaines River
07120007-006/off Fox River
07130008-009/off Sangamon River

Not used during this period.

Chemical: Toluene
Acute criterion: 8,080 ug/l
Date criteria derived: August 16, 1990,
revised May 17, 1991, and January 26, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Tetrahydrofuran
Acute criterion: 216,000 ug/l
Date criteria derived: March 16, 1992

CAS #108-88-3
Chronic criterion: 646 ug/l

CAS #109-99-9
Chronic criterion: 17,300 ug/l

CAS #100-01-6
Chronic criterion: 0.12 mg/l

CAS #98-95-3
Chronic criterion: 4.67 mg/l

Chronic criterion: 13 ug/l
Chronic criterion, September 1986

CAS #85-01-8
Chronic criterion: 3.7 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Toluene
Acute criterion: 8,080 ug/l
Date criteria derived: August 16, 1990, revised May 17, 1991, and January 26, 1993
Applicable waterbodies:

CAS #108-88-3
Chronic criterion: 646 ug/l

05120111-041/off Lamotte Creek
07120003-197/off Stoney Creek
07120004-010/off Des Plaines River
07120007-006/off Fox River
07130008-009/off Sangamon River

Not used during this period.

Chemical: 1,2,4-trichlorobenzene
Acute criterion: 353 ug/l
Date criteria derived: December 14, 1993
Applicable waterbodies:

CAS #120-82-1
Chronic criterion: 69.2 ug/l

Not used during this period.

Chemical: 1,1,1-trichloroethane
Acute criterion: 4,910 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies:

CAS #71-55-6
Chronic criterion: 393 ug/l

Not used during this period.

Chemical: 1,1,2-trichloroethane
Acute criterion: 19,000 ug/l
Human health criterion (HNC): 12 ug/l
Date criteria derived: December 13, 1993
Applicable waterbodies:

CAS #79-00-5
Chronic criterion: 3,540 ug/l

Not used during this period.

Chemical: Trichloroethylene
Acute criterion: 11,700 ug/l
Date criteria derived: October 23, 1992
Applicable waterbodies:

CAS #79-01-6
Chronic criterion: 940 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: Xylenes

Acute criterion: 1,500 ug/l

Date criteria derived: August 23, 1990

Applicable waterbodies:

05120111-041/off Lamotte Creek
07120003-197/off Stoney Creek
07120004-010/off Des Plaines River
07120007-006/off Fox River
07130008-009/off Sangamon River

CAS # 1330-20-7

Chronic criterion: 117 ug/l

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Weights and Measures Act (8 Ill Adm Code 600)
 - First Notice Published: 21 Ill Reg 13209 - 10/3/97
 - Expiration of Second Notice: 12/31/97

Banks and Real Estate

2. Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050)
 - First notice Published: 21 Ill Reg 12815 - 9/19/97
 - Expiration of Second Notice: 12/19/97

Capital Development Board

3. Procurement Practices (44 Ill Adm Code 910)
 - First Notice Published: 21 Ill Reg 12785 - 9/19/97
 - Expiration of Second Notice: 12/26/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

4. Prequalification of Architects and Engineers (44 Ill Adm Code 980)
-First Notice Published: 21 Ill Reg 12764 - 9/19/97
-Expiration of Second Notice: 12/26/97
 5. Repeal of Prequalification of Architects and Engineers (44 Ill Adm Code 980)
-First Notice Published: 21 Ill Reg 12779 - 9/19/97
-Expiration of Second Notice: 12/26/97
 6. Selection of Architects/Engineers (A/E) (44 Ill Adm Code 1000)
-First Notice Published: 21 Ill Reg 12797 - 9/19/97
-Expiration of Second Notice: 12/26/97
 7. Repeal of Selection of Architects/Engineers (A/E) (44 Ill Adm Code 1000)
-First Notice Published: 21 Ill Reg 12790 - 9/19/97
-Expiration of Second Notice: 12/26/97
- Central Management Services
8. Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 21 Ill Reg 12803 - 9/19/97
-Expiration of Second Notice: 12/19/97
- Children and Family Services
9. Repeal of Access to and Eligibility for Day Care Services (89 Ill Adm Code 303)
-First Notice Published: 21 Ill Reg 8702 - 7/11/97
-Expiration of Second Notice: 1/2/98
 10. Financial Responsibility of Parents or Guardians of the Estates of Children (89 Ill Adm Code 352)
-First Notice Published: 21 Ill Reg 8726 - 7/11/97
-Expiration of Second Notice: 1/2/98
 11. Licensing Standards for Foster Family Homes (89 Ill Adm Code 402)
-First Notice Published: 20 Ill Reg 15821 - 12/20/96
-Expiration of Second Notice: 1/3/98
 12. Licensing Standards for Day Care Centers (89 Ill Adm Code 407)
-First Notice Published: 21 Ill Reg 169 - 1/3/97
-Expiration of Second Notice: 12/17/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

13. Department of Children and Family Services Employee Conflict of Interest (89 Ill Adm Code 437)
-First Notice Published: 21 Ill Reg 8709 - 7/11/97
-Expiration of Second Notice: 1/3/98
- Commerce and Community Affairs
14. State Administration of the Community Development Block Grant Program for Small Cities (47 Ill Adm Code 110)
-First Notice Published: 21 Ill Reg 6134 - 5/23/97
-Expiration of Second Notice: 1/14/98
- Corrections
15. Discipline and Grievances (20 Ill Adm Code 504)
-First Notice Published: 21 Ill Reg 12281 - 9/12/97
-Expiration of Second Notice: 12/26/97
 16. Closed Maximum Security Facility (20 Ill Adm Code 505)
-First Notice Published: 21 Ill Reg 12274 - 9/12/97
-Expiration of Second Notice: 12/26/97
- Emergency Management Agency
17. Emergency Planning and Community Right-to-Know (29 Ill Adm Code 620)
-First Notice Published: 21 Ill Reg 7789 - 6/27/97
-Expiration of Second Notice: 12/31/97
- Environmental Protection Agency
18. Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 183)
-First Notice Published: 21 Ill Reg 6948 - 6/13/97
-Expiration of Second Notice: 12/24/97
 19. Rules of the Illinois Environmental Protection Agency: Accreditation of Laboratories for Drinking Water, Wastewater and Hazardous Waste Analysis (35 Ill Adm Code 186)
-First Notice Published: 21 Ill Reg 6979 - 6/13/97
-Expiration of Second Notice: 12/24/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

Farm Development Authority

20. Illinois Farm Development Authority (8 Ill Adm Code 1400)
-First Notice Published: 21 Ill Reg 7060 - 6/13/97
-Expiration of Second Notice: 1/17/98

Health Care Cost Containment Council

21. Data Collection (77 Ill Adm Code 2510)
-First Notice Published: 21 Ill Reg 12370 - 9/12/97
-Expiration of Second Notice: 12/17/97

Human Rights Commission

22. Procedural Rules (56 Ill Adm Code 5300)
-First Notice Published: 21 Ill Reg 12372 - 9/12/97 tc2
-Expiration of Second Notice: 1/8/98

Human Services

23. Centers for Independent Living (89 Ill Adm Code 886)
-First Notice Published: 21 Ill Reg 7649 - 6/20/97
-Expiration of Second Notice: 1/7/98

Insurance

24. Traditional Long-Term Care Insurance (50 Ill Adm Code 2012)
-First Notice Published: 21 Ill Reg 11380 - 8/15/97
-Expiration of Second Notice: 12/28/97

25. Repeal of Small Employer Carrier Actuarial Certification and Documentation Requirements (50 Ill Adm Code 5100)
-First Notice Published: 21 Ill Reg 12072 - 9/5/97
-Expiration of Second Notice: 12/28/97

Natural Resources

26. Water Withdrawal From State Areas (17 Ill Adm Code 120)
-First Notice Published: 21 Ill Reg 13480 - 10/10/97
-Expiration of Second Notice: 1/14/98

27. Duck, Goose and Coot Hunting (17 Ill Adm Code 590)
-First Notice Published: 21 Ill Reg 12805 - 9/19/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

-Expiration of Second Notice: 12/18/97

28. The Taking of Wild Turkeys-Spring Season (17 Ill Adm Code 710)
-First Notice Published: 21 Ill Reg 13465 - 10/10/97
-Expiration of Second Notice: 1/7/98

29. Conservation 2000 - Natural Resources Cost-Share Program (17 Ill Adm Code 1522)
-First Notice Published: 21 Ill Reg 12993 - 9/26/97
-Expiration of Second Notice: 12/27/97

Pollution Control Board

30. Water Quality Standards (35 Ill Adm Code 302)
-First Notice Published: 21 Ill Reg 8785 - 7/11/97
-Expiration of Second Notice: 1/16/98

31. Water Use Designations and Site Specific Water Quality Standards (35 Ill Adm Code 303)
-First Notice Published: 21 Ill Reg 8829 - 7/11/97
-Expiration of Second Notice: 1/16/98

32. Effluent Standards (35 Ill Adm Code 304)
-First Notice Published: 21 Ill Reg 8780 - 7/11/97
-Expiration of Second Notice: 1/16/97

Property Tax Appeal Board

33. Practice and Procedure for Hearings Before the Property Tax Appeal Board (86 Ill Adm Code 1910)
-First Notice Published: 21 Ill Reg 13028 - 9/26/97
-Expiration of Second Notice: 12/27/97

Public Aid

34. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 21 Ill Reg 11889 - 8/29/97
-Expiration of Second Notice: 1/3/98

35. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 21 Ill Reg 12399 - 9/12/97
-Expiration of Second Notice: 1/3/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

36. Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 21 Ill Reg 11881 - 8/29/97
-Expiration of Second Notice: 12/31/97
- Public Health
37. Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill Adm Code 205)
-First Notice Published: 21 Ill Reg 9720 - 7/25/97
-Expiration of Second Notice: 1/7/98
38. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)
-First Notice Published: 21 Ill Reg 6786 - 6/6/97
-Expiration of Second Notice: 1/7/98
39. Sheltered Care Facilities Code (77 Ill Adm Code 330)
-First Notice Published: 21 Ill Reg 6770 - 6/6/97
-Expiration of Second Notice: 1/7/98
40. Illinois Veterans' Homes Code (77 Ill Adm Code 340)
-First Notice Published: 21 Ill Reg 6704 - 6/6/97
-Expiration of Second Notice: 1/7/98
41. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)
-First Notice Published: 21 Ill Reg 6739 - 6/6/97
-Expiration of Second Notice: 1/7/98
42. Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)
-First Notice Published: 21 Ill Reg 6755 - 6/6/97
-Expiration of Second Notice: 1/7/98
43. Head and Spinal Cord Injury Code (77 Ill Adm Code 550)
-First Notice Published: 21 Ill Reg 11416 - 8/15/97
-Expiration of Second Notice: 1/7/98
44. Violent Injury Reporting Code (77 Ill Adm Code 560)
-First Notice Published: 21 Ill Reg 11482 - 8/15/97
-Expiration of Second Notice: 1/7/98
45. The Illinois Water Well and Pump Installation Contractor's License Code (77 Ill Adm Code 915)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

- First Notice Published: 21 Ill Reg 2847 - 2/28/97
-Expiration of Second Notice: 12/19/97
46. Illinois Water Well Construction Code (77 Ill Adm Code 920)
-First Notice Published: 21 Ill Reg 5018 - 4/25/97
-Expiration of Second Notice: 12/19/97
47. Illinois Water Well Pump Installation Code (77 Ill Adm Code 925)
-First Notice Published: 21 Ill Reg 5073 - 4/25/97
-Expiration of Second Notice: 12/19/97
- Racing Board
48. PPT (11 Ill Adm Code 314)
-First Notice Published: 21 Ill Reg 12095 - 9/5/97
-Expiration of Second Notice: 12/17/97
49. Match Rival (11 Ill Adm Code 315)
-First Notice Published: 21 Ill Reg 12087 - 9/5/97
-Expiration of Second Notice: 12/17/97
50. Countdown (11 Ill Adm Code 317)
-First Notice Published: 21 Ill Reg 12084 - 9/5/97
-Expiration of Second Notice: 12/17/97
51. Medication (11 Ill Adm Code 603)
-First Notice Published: 21 Ill Reg 12091 - 9/5/97
-Expiration of Second Notice: 12/17/97
- Revenue
52. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 21 Ill Reg 12100 - 9/5/97
-Expiration of Second Notice: 12/17/97
53. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 21 Ill Reg 12835 - 9/19/97
-Expiration of Second Notice: 12/24/97
54. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 21 Ill Reg 13048 - 9/26/97
-Expiration of Second Notice: 1/4/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

55. Motor Fuel Tax (86 Ill Adm Code 500)
-First Notice Published: 21 Ill Reg 13060 - 9/26/97
-Expiration of Second Notice: 1/4/98
56. Environmental Impact Fee (86 Ill Adm Code 501)
-First Notice Published: 21 Ill Reg 13045 - 9/26/97
-Expiration of Second Notice: 1/4/98
- Secretary of State
57. Regulations Under Illinois Securities Law of 1953 (14 Ill Adm Code 130)
-First Notice Published: 21 Ill Reg 8861 - 7/11/97
-Expiration of Second Notice: 12/17/97
58. Issuance of Licenses (92 Ill Adm Code 1030)
-First Notice Published: 21 Ill Reg 13128 - 9/26/97
-Expiration of Second Notice: 12/24/97
59. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
-First Notice Published: 21 Ill Reg 13100 - 9/26/97
-Expiration of Second Notice: 12/24/97
60. Repeal of Rules of the Road-Handicapped Parking (92 Ill Adm Code 1100)
-First Notice Published: 21 Ill Reg 13141 - 9/26/97
-Expiration of Second Notice: 1/1/98
61. Rules of the Road-Handicapped Parking (92 Ill Adm Code 1100)
-First Notice Published: 21 Ill Reg 13149 - 9/26/97
-Expiration of Second Notice: 12/27/97
- State Employees' Retirement System
62. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)
-First Notice Published: 21 Ill Reg 13158 - 9/26/97
-Expiration of Second Notice: 12/24/97

State Fire Marshal

63. Policy and Procedures Manual for Fire Protection Personnel (41 Ill Adm Code 140)
-First Notice Published: 21 Ill Reg 13238 - 10/3/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 16, 1997

- Expiration of Second Notice: 1/8/98
- State Universities Retirement System
64. Universities Retirement (80 Ill Adm Code 1600)
-First Notice Published: 21 Ill Reg 11906 - 8/29/97
-Expiration of Second Notice: 12/31/97

EMERGENCY AND PEREMPTORY RULEMAKINGSAgriculture

65. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
-Notice Published: 21 Ill Reg 14575 - 11/7/97

Central Management Services

66. Pay Plan (80 Ill Adm Code 310) (Peremptory)
7-Notice Published: 21 Ill Reg 14589 - 11/7/97
67. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 21 Ill Reg 15030 - 11/21/97

Gaming Board

68. Riverboat Gambling (86 Ill Adm Code 3000) (Emergency)
-Notice Published: 21 Ill Reg 14566 - 11/7/97

Insurance

69. Health Maintenance Organization (50 Ill Adm Code 5421) (Emergency)
-Notice Published: 21 Ill Reg 15262 - 12/1/97

Public Health

70. Lead Poisoning Prevention Code (77 Ill Adm Code 845) (Emergency)
-Notice Published: 21 Ill Reg 14680 - 11/14/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 25, 1997 through December 1, 1997 and have been scheduled for review by the Committee at its December 16, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/8/98	State Fire Marshal, Policy and Procedures Manual for Fire Protection Personnel (41 Ill Adm Code 140)	10/3/97 21 Ill Reg 13238	12/16/97
1/8/98	Human Rights Commission, Procedural Rules (56 Ill Adm Code 5300)	9/12/97 21 Ill Reg 12372	12/16/97
1/14/98	Department of Natural Resources, Water Withdrawal from State Areas (17 Ill Adm Code 120)	10/10/97 21 Ill Reg 13480	12/16/97
1/14/98	Department of Commerce and Community Affairs, State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill Adm Code 110)	5/23/97 21 Ill Reg 6134	12/16/97

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

OR FAX: (217) 854-0308

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

